PAKISTAN ASSESSMENT

April 2000

Country Information and Policy Unit

I 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 variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum 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.

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

1.5 The assessment has been placed on the Internet (http://www.homeoffice.gov.uk/ind/cipu1.htm). An electronic copy of the assessment has been made available to the following organizations:

- Amnesty International UK
- Immigration Advisory Service
- Immigration Appellate Authority
- Immigration Law Practitioners' Association
- Joint Council for the Welfare of Immigrants
- JUSTICE
- Medical Foundation for the Care of Victims of Torture
- Refugee Council
- Refugee Legal Centre
- UN High Commissioner for Refugees

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II 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. **[1]** In July 1999 the population was estimated at 138,123,359. **[34]** The Pakistani-held 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 the tribal areas under federal administration. The provinces are autonomous units. **[1]** According to the March 1998 census, the populations in the provinces were as follows: 72.5 million in Punjab; 29.9 million in the Sindh; 17.5 million in the North-West Frontier Province; and 6.5 million in Baluchistan. **[6u]**

2.3 The main ethnic group is Punjabi, comprising about two-thirds of the population. Other major groups are the Sindhis (13%), Pathans (aka Pashtuns, Pushtoons or Pukhtoons) (8.5%), Urdu (7.6%), Baluchis (2.5%) and Mohajirs. **[20a]**

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 most government ministries. **[34]** Each ethnic group has its own language and numerous dialects are spoken. **[3]**

Economy

2.5 Pakistan is a poor country, with great extremes in the distribution of wealth between social classes. Its per capita annual income is $490. Cotton, textiles and apparel, rice and leather products are the principal exports. The economy includes both state-run and private industries and financial institutions. **[2b]** During 1990-96 the average annual rate of inflation was 11%; about 5.4% of the labour force were estimated to be unemployed in 1996-7. **[1]**

2.6 The Constitution provides for the right of private businesses to operate freely in most sectors of the economy. The Government made several economic reforms, including privatising state-owned enterprises and reducing tariffs in 1998. Politically driven confrontations with Independent Power Projects, and the Government's inability to repay investors in hard currency, have damaged investor confidence and hampered privatisation. **[2b]**

2.7 On 14 January 1999 the IMF approved a package of US $575 million in loans under the enhanced structural adjustment facility, which had been suspended since the nuclear tests. In return the Government gave guarantees of continued financial reforms, trade liberalisation and privatisation. The IMF noted that in 1997-98 Pakistan had achieved a growth in GDP of 5.4%, and had held inflation to less than 8%. **[24h]**

2.8 On December 23rd 1999 the Supreme Court directed the government to implement an interest free financial system by June 2001, ruling interest as un-Islamic. **[2b]**

See also Sharia Law*: paragraphs 4.2.17 - 4.2.23.*

III HISTORY

1947 - 1978

3.1 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 specifically Muslim state. Pakistan originally comprised two distinct regions - East Pakistan and West Pakistan, separated by some 1,600 km of Indian Territory. The leader of the dominant Muslim League, Muhammad Ali Jinnah, popularly known as Quaid-i-Azam (Great Leader), became the first governor-general of Pakistan but died in **1948**. Having been a Dominion with the British monarch as Head of State, the country became a republic within the Commonwealth on 23 March **1956** when the first Constitution was promulgated. Major-General Iskander Mirza became Pakistan's first President. **[1]**

3.2 In **1958** the President abrogated the Constitution, declared martial law, dismissed the national and provincial governments and dissolved all political parties. Shortly afterwards General Muhammad Ayub Khan, the Martial Law Administrator appointed by Mirza, removed him from office and became President himself. Following widespread unrest Ayub Khan was forced to resign in March **1969**. He was replaced by General Agha Muhammad Yahya Khan, the Commander-in-Chief of the Army, who reimposed martial law. **[1]**

3.3 In December **1970** the first general election was held for a National Assembly. Sheikh Mujibur Rahman's Awami League, which advocated autonomy for East Pakistan, won almost all the seats in the East, thus gaining an absolute majority in the National Assembly. Meanwhile the Pakistan People's Party (PPP), led by Zulfikar Ali Bhutto, won a majority of seats in the west. The East declared itself independent as the People's Republic of Bangladesh (Bengal Nation) on 23 March **1971** following the failure of negotiations to achieve a coalition government. Civil war broke out and in December 1971 the Indian army intervened to support the Bengalis: the Pakistani army was forced to withdraw. Yahya Khan resigned, military rule ended, and Bhutto became the new President. **[1]**

3.4 Pakistan withdrew from the Commonwealth in January **1972**. Bhutto became executive Prime Minister after the new Constitution of August **1973** provided for a parliamentary system of government. The PPP won the March **1977** elections, but the opposition Pakistan National Alliance (PNA) accused the PPP of electoral malpractice and launched a campaign of civil disobedience. Armed clashes took place between the army and demonstrators. In July 1977 Bhutto was deposed in a bloodless coup and a martial law regime was instituted with General Mohammad Zia ul-Haq as Chief Martial Law Administrator. Bhutto was charged with instigating the murder of a PPP dissident. He was sentenced to death, and was subsequently executed in April 1979. **[1]**

1978 - 1988

3.5 General Zia became president in September **1978**, and elections were indefinitely postponed with the opposition to the military regime being severely suppressed. In March **1981** the Movement for the Restoration of Democracy (MRD) was formed, which advocated an end to military rule and a return to a parliamentary system of government. In **1983** the MRD launched a civil disobedience campaign which was supported in Sindh where anti-Government protests resulted in numerous deaths. The campaign ended in December 1983, and many political leaders and activists including Benazir Bhutto, daughter of the former Prime Minister, were imprisoned or went into exile. **[1]**

3.6 General Zia's regime pursued a policy of "Islamisation" of the country's institutions, including the enforcement of Islamic penal codes. A referendum held in December **1984** endorsed this policy, although there were widespread allegations of electoral malpractice. **[1]**

3.7 A general election was held in February **1985**, followed shortly afterwards by provincial assembly elections. The elections were held on a non-party basis, but dissatisfaction with the regime was indicated by the defeat of several cabinet ministers and Zia supporters. The Pagaro Group of the Pakistan Muslim League and former members of the PPP formed the largest two groupings in the National Assembly. In March 1985 Muhammad Khan Junejo, a member of the Pagaro Group, was appointed Prime Minister and a largely civilian cabinet was formed. **[1]**

3.8 On 30 December 1985 General Zia announced the repeal of martial law and the restoration of the 1973 Constitution, as amended in October 1985 (the "Eighth Amendment" which introduced an executive presidency with the power to dismiss the National Assembly, Prime Minister and Cabinet. This also indemnified all actions of the military regime during the previous eight years). The MRD continued to demand the restoration of the unamended 1973 Constitution, and the cause was strengthened by the return from exile in April **1986** of Benazir Bhutto, who travelled throughout the country holding political rallies. In August the Government banned rallies scheduled for Independence Day and detained hundreds of opposition members, including Benazir Bhutto. The arrests provoked violent anti-Government demonstrations in a number of cities. **[1]**

1988 - 1993

3.9 General Zia in May **1988** dismissed the Prime Minister and the Cabinet, and dissolved the National Assembly and the four provincial assemblies. Elections were to be held in November, but on 17 August 1988 General Zia was killed in an air crash in mysterious circumstances in eastern Pakistan. **[1]**

3.10 The elections took place as scheduled, with the PPP winning 93 of the 207 directly elective seats. The Islamic Democratic Alliance (IDA) (Islami Jamhoori Ittehad, IJI), a grouping of 9 Islamic and right wing parties including the Pakistan Muslim League (PML), won 54 seats. The remaining 58 seats went to independents and smaller parties. A coalition government was formed by the PPP and the Mohajir Qaumi Movement (MQM) **[1]** (renamed the Muttahida Qaumi Movement in 1997) **[12g]** and Benazir Bhutto was appointed Prime Minister on 1 December 1988. **[1]**

3.11 Pakistan rejoined the Commonwealth on 1 October **1989**. During 1989 the coalitions formed by the PPP in the provincial assemblies came under pressure and eventually in October the MQM withdrew its parliamentary support, claiming that the PPP had failed to honour any of its promises made in the original co-operation agreement. A "no confidence" motion was defeated in November 1989. The Government was accused of corruption, political bribery and mismanagement. Violence erupted in Sindh province between supporters of the PPP and the MQM. The situation declined considerably and on 6 August **1990** President Ghulam Ishaq Khan 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]**

See also Security*: paragraphs 4.3.1 - 4.3.9; and* Muttahida Qaumi Movement*: paragraphs 5.3.67 - 5.3.91.*

3.12 A general election took place on 24 October 1990. The 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 Mohammad Nawaz Sharif, the leader of the PML, was elected Prime Minister. **[1]**

3.13 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]**

See also Sharia Law*: paragraphs 4.2.17 - 4.2.23; and* Women*: paragraphs 5.3.92 - 5.3.111.*

3.14 Later in 1991 open confrontation between the IDA and the PPP worsened and hundreds of PPP supporters were arrested in Sindh province. "Operation Blue Fox" (also known as "Operation Clean-up") was launched in May **1992** in response to the continuing situation in Sindh, and in which the army was to seize unauthorised weapons and apprehend criminals and terrorists. There was a violent clash between two factions of the MQM - the majority Altaf faction and the small breakaway Haqiqi faction - in Karachi. These were in addition to clashes between the MQM and the PPP. 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] & [3]**

See also Muttahida Qaumi Movement*: paragraphs 5.3.67 - 5.3.91.*

3.15 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]**

1993 - 1997

3.16 During **1993** the rift between the President and the Prime Minister grew, (a rift caused by the Government initiating discussions regarding proposed amendments to the Eighth Constitutional Amendment). On 18 April 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

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]**

3.17 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]**

3.18 The elections were held on 6 and 9 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. The PPP led coalition assumed control of the provincial administrations in Punjab and Sindh in alliance with the minor renegade PML faction, the PML (J). Meanwhile the provincial governments in North-West Frontier Province and Baluchistan were headed by alliances led by the PML (N). **[1]**

3.19 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, while 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]**

See also Shia Muslims*: paragraphs 5.3.60 - 5.3.66; and* Muttahida Qaumi Movement*: paragraphs 5.3.67 - 5.3.91.*

3.20 In mid-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] & [6e]**

3.21 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]**

3.22 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]**

See also Election Results*: paragraphs 4.1.11 - 4.1.13.*

3.23 Sharif strengthened his political authority in April 1997 when he engineered the repeal of the major components of the 1985 Eighth Constitutional Amendment by the National Assembly and the Senate. 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]**

3.24 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]**

See also Anti-Terrorism Act*: paragraphs 4.2.12 - 4.2.16.*

3.25 Pakistan was paralysed by a constitutional crisis in the autumn of 1997, which started with a dispute between the Prime Minister, Nawaz Sharif and the Chief Justice, Sajjad Ali Shah. The Prime Minister refused to appoint 5 Supreme Court judges on the recommendation of the Chief Justice. Eventually the Prime Minister was forced by the President and the military leadership to concede that the Chief Justice had the right to make the appointments, which were approved by the National Assembly. The power struggle was not resolved however, because the Supreme Court began contempt of court proceedings against the Prime Minister. These were based on his handling of the row with the judiciary, and also because of his sharply critical remarks to the National Assembly concerning the behaviour of the Supreme Court. Sharif was ordered to appear before the Supreme Court with eleven other respondents who included MPs, three newspapers and the state TV network. Sharif duly appeared but made no apology to the Court. **[6h], [6i] & [5e]**

See also Judicial System*: paragraphs 4.2.1 - 4.2.45.*

3.26 The Supreme Court was also dealing with a petition to suspend one of Sharif's first pieces of legislation, which took away the power of the President to dismiss the government and appoint the heads of the armed forces. The National Assembly also rushed through a law allowing Sharif to appeal if he were to be convicted of contempt. However the President refused to sign the bill, which initiated a dispute between the President and Prime Minister, whose Muslim League party threatened to impeach the President. **[6j] & [5f]**

3.27 Matters declined further when a PML mob swarmed into the Supreme Court building. They demanded the dismissal of the Chief Justice for putting Nawaz Sharif on trial. They also challenged the Chief Justice's position, drawing on the Quetta and Peshawar regional courts' ruling that he was not the most senior judge when promoted in 1994. The Supreme Court however overturned this ruling. The army stepped in to persuade both sides to accept a cooling off period. On 2 December 1997 the Chief Justice suspended the 13th Amendment to the

Constitution, thus restoring the power of the President to dismiss the government. Within minutes another Supreme Court bench suspended the Chief Justice. Later that day President Leghari announced his resignation to avoid having to sign an order removing the Chief Justice and appointing a new one. The Speaker of the Senate, Waseem Sajjad, became acting President and Ajmal Mian was appointed new Chief Justice. **[6l] & [6m]**

1998 – April 2000

3.28 The Muslim League candidate Mohammad Rafiq Tarar was elected President by a big majority of the combined electoral college of the Senate, National and Provincial Assemblies. He was sworn in on 1 January **1998**. Tarar was a member of the Senate and a former Supreme Court judge. **[6n]**

3.29 The Awami National Party ended its alliance with the PML on 26 February 1998 by withdrawing its support from the federal and North-West Frontier Province governments. **[24b]** On 10 April 1998, the majority of leaders of the PML (Junejo) merged with the PML (Nawaz). The united party had now become simply the PML. However Hamid Chatta, parliamentary leader of the PML(J), was not party to this agreement and continued to call his organization the PML(J). **[9]**

3.30 In April 1998, Pakistan began the test-firing of a medium range-missile, following the production by India of a missile and the alleged storage of weapons near the Pakistani border. This was also in response to "provocative overtures" from India's recently elected coalition government, the Hindu nationalist Bharatiya Janata Party. **[24d]**

3.31 In early May 1998, the Islamic blasphemy law again provoked widespread controversy and violent demonstrations when a Roman Catholic bishop committed suicide outside a court in Sahiwal, Punjab, in protest at the death sentence that had earlier been imposed on a Christian accused of blasphemy. **[1]**

See also Blasphemy Law*: paragraphs 4.2.29 - 4.2.33; and* Bishop John Joseph*: paragraphs 5.3.46 - 5.3.49.*

3.32 Pakistan and India both conducted a series of nuclear tests, provoking almost universal condemnation: India detonated five on 11 and 13 May 1998; Pakistan responded with six on 28 and 30 May 1998. International economic sanctions were promptly imposed on both countries. **[24e]**

See also Economy*: paragraphs 2.5 - 2.8.*

3.33 Following numerous threats the MQM resigned on 26 August 1998 from its 19-month alliance with the PML in the Sindh Provincial Assembly. The MQM accused Nawaz Sharif and his provincial government of failing to honour an agreement on which the basis of the alliance had originally been formed. **[6w]**

3.34 Also in August 1998, Nawaz Sharif announced plans to create an Islamic State through the introduction of Sharia Law. **[8f]** Despite criticism from opposition parties and human rights groups, the 15th Amendment Bill won National Assembly approval on 9 October 1998, but did not reach the approval by the Senate stage in the legislation process. **[6z]** Two days earlier the

Chief of Army Staff, General Jehangir Karamat, had resigned after suggesting that Pakistan set up a National Security Council at the apex of the country's political system. General Karamat (who was due to retire in January 1999) was immediately replaced by Lieutenant-General Pervez Musharraf. **[6y]**

See also Sharia Law*: paragraphs 4.2.17 - 4.2.23.*

3.35 The MQM rejoined its alliance with the PML in Sindh on 24 October 1998 **[26a]** but subsequently withdrew again on 29 October. **[24g]** On 30 October, the Prime Minister dismissed the Sindh provincial government and imposed federal rule on the province in an attempt to stop the political and ethnic violence in Karachi. The Prime Minister then announced on 20 November that military courts would be established to restore peace in Karachi. **[24g]**

See also Security: Sindh*: paragraphs 4.3.5 - 4.3.8; and* Muttahida Qaumi Movement*: paragraphs 5.3.67 - 5.3.91.*

3.36 On 3 January **1999** Nawaz Sharif escaped an assassination attempt when a bomb exploded on the road leading to his weekend retreat. Four people died in the blast, and three others were injured. The Prime Minister and his political entourage had been due to travel just minutes before the blast, and security forces had been placed along the route. **[28a]**

3.37 On 17 February 1999 the Supreme Court ruled that the controversial special military courts set up in Karachi in early December 1998 to combat violence were illegal. **[26e]** The Court ruled that all pending cases should be transferred to existing anti-terrorist courts, and drew up guidelines for the speedy conduct of terrorist cases. **[24i]** The courts were disbanded following the ruling. **[26f]**

3.38 On 21 February 1999 Nawaz Sharif and the Indian Prime Minister, Atal Bihari Vajpayee, signed a declaration (the 'Lahore Declaration'), and vowed to take steps to reduce "the risk of accidental or unauthorized use of nuclear weapons". The Prime Ministers' summit meeting in Lahore was the first on Pakistani soil for ten years. **[19c]** However 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. **[26g]**

3.39 On 15 April 1999 Benazir Bhutto (in absentia) and her husband Asif Ali Zardari, were convicted of corruption. They were sentenced to five years' imprisonment and disqualified from holding public office for up to ten years. They were also fined US$8.6 million and the court ordered the confiscation of all of their property. **[24j]** Zardari appealed to the Supreme Court on 10 May 1999. **[24k]** The Supreme Court ruled on 27 May 1999 that Benazir's presence in Pakistan was not necessary, allowing her lawyers to appeal. **[26h]**

See also Accountability Commission*: paragraphs 4.2.39 – 4.2.42.*

3.40 In early May 1999, independent observers claimed that a 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). **[30]** Following two months of bitter hostilities, Pakistan and India agreed on 11 July 1999 a plan for the infiltrators to withdraw. The

agreement came one week after Nawaz Sharif had met with US President Bill Clinton in Washington. **[26j]**

See also Azad Kashmir*: paragraphs 5.4.19 – 5.4.37.*

3.41 October 12th 1999 witnessed the most dramatic development of the year. Nawaz Sharif, having dismissed the army chief General Pervez Musharraf, tried to prevent the General's plane from landing en route from Sri Lanka to Karachi. Within hours the military launched a counterattack, and by the end of the day the bloodless coup now in operation had resulted in Sharif under arrest and the entire cabinet under guard. Reaction to the coup was generally favourable **[21C]**, with opposition groups (including Islamic parties) extending their support for the new interim government. **[20b]**

3.42 Sharif's opponents accused him of abusing nationalised banks, tax evasion, money-laundering and pilfering public funds. The launching of financial investigations against the Sharif family business began almost immediately, with soldiers dressed in civilian clothes seizing files from public sector banks. **[28g]** Sharif himself was incarcerated and charged with attempted murder, kidnapping, hijacking and terrorism following his alleged actions on 12th October. 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 6th April 2000 Sharif was found guilty on the hijacking and terrorism charges and sentenced to life imprisonment, instead of the death penalty demanded by the prosecution. **[35f]**

3.43 The October 1999 coup followed a decade that had resulted in four prime ministerial dismissals, the doubling of foreign debt and the spread of corruption throughout the political establishment. **[30d]** Since Pakistan's creation in 1947, no civilian government has managed to complete its term and successfully offer itself for re-election. **[30b]**

IV INSTRUMENTS OF THE STATE

4.1 POLITICAL SYSTEM

Constitution

4.1.1 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. The Constitution guarantees fundamental rights such as equal status for men and women, freedom of thought, speech, worship, the press, and 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 on 30 December 1985 **[1]** only to be suspended once again following the military coup of October 1999. **[2b]**

Government

4.1.2 Pakistan is an Islamic republic, and operated a democratic political system before the coup. A popularly elected parliament and a government headed by a Prime Minister had wide constitutional power, shared to a limited extent with the President. The Chief of the Army staff had already wielded considerable influence on many major policy decisions before the coup. **[2b]**

4.1.3 The Pakistan Muslim League (PML) government came into power in February 1997 with a considerable parliamentary majority. The Prime Minister, Nawaz Sharif, then passed constitutional amendments (the 13th and 14th) which removed the power of the President to dismiss the government at his discretion and banned defections from political parties, two of the most frequently used methods of bringing down previous governments. These measures, which enjoyed opposition support, were aimed at enhancing political stability at the national level. **[2b]**

4.1.4 Following the events of 12th October 1999, Chief of Army Staff General Musharraf ousted Nawaz Sharif and declared a state of emergency, aimed at restoring national cohesion and reviving the economy. He immediately suspended the constitution and legislature, abolished the National Assembly and removed the heads of all political institutions. A six-member National Security Council (NSC) was formed to extend guidance to the Cabinet of Ministers. General Musharraf became Chief Executive of Pakistan. No timetable for the restoration of democracy has yet been announced. **[20b]**

4.1.5 General Musharraf heads the National Security Council that comprises the air force and navy chiefs of staff. There are also four civilians with expertise in law, finance, and foreign and national affairs.

See also Judicial System*: paragraphs 4.2.1 - 4.2.45.*

4.1.6 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 elected by the provincial assemblies, and appointed Ministers to the provincial cabinets. **[1]** After the coup however, the provincial assemblies were suspended, and General Musharraf appointed governors for the four provinces. **[2b]** Azad Kashmir is broadly responsible for its own internal administration. **[9]**

See also Azad Kashmir*: paragraphs 5.4.19 - 5.4.37.*

4.1.7 The Musharraf regime has not banned political parties. All parties that were active before the coup continued their activities, including deposed Prime Minister Nawaz Sharif's Pakistan Muslim League. A return to democracy was pledged**,** with no timetable for this however. Local elections have nonetheless been announced to take place by the end of 2000. **[2b]**

President

4.1.8 The President (until the coup) acted on the advice of the Prime Minister. An electoral college (comprising two chambers of the Federal Legislature and the four Provisional Assemblies) elected the President to serve for a term of five years. He must be a Muslim. The current President, Mohammad Rafiq Tarar, took office on 1 January 1998. **[1]**

Federal Legislature

4.1.9 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]**

See also Religious Minorities: Voting Rights: *paragraphs 5.3.10 - 5.3.13.*

4.1.10 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]**

Election Results

4.1.11 The returned seats of the parties in the National Assembly after the last election of 3 February 1997 were as follows:

Pakistan Muslim League (Nawaz)	**134**
Pakistan People's Party	**18**
Mohajir Quami Movement	**12**
Awami National Party	**9**
Baluchistan National Party	**3**
Jamiat-e-Ulema-e-Islam (Fazlur Rehman)	**2**
Jamhuri Watan Party	**2**
National People's Party	**1**
Pakistan People's Party (SB Group)	**1**
Independents	**22**
TOTAL	**204**

Polling was deferred in 3 constituencies until a later date. **[1]**

4.1.12 The PML also won a large majority in the Punjab Provincial Assembly elections. Following the elections, the PML went into coalition in the North-West Frontier Province (NWFP) with its long term electoral ally the Awami National Party (ANP), and in the Sindh with the MQM. The PML joined a multi-party coalition government in Baluchistan during late 1997. **[14b]** However the ANP withdrew its support from the federal and NWFP governments on 26 February 1998. **[24b]** On 26 August 1998 the MQM resigned from their alliance with the PML in the Sindh, **[6w]** then rejoined on 24 October 1998 **[26a]** only to resign again on 29 October 1998. **[24g]**

4.1.13 The results of the previous elections to the National Assembly held on 6 and 9 October 1993 were as follows:

Pakistan People's Party	**92**
Pakistan Muslim League (Nawaz)	**77**
Pakistan Muslim League (Junejo)	**6**
Islami Jamhoori Mahaz	**4**
Pakhtoon Khwa Milli Awami Party	**4**
Awami National Party	**3**
Pakistan Islamic Front	**3**
Jamhoori Wattan Party	**2**
Muttahida Deeni Mahaz	**2**
Baluchistan National Movement (Hayee)	**1**
Baluchistan National Movement (Mengal)	**1**
National Democratic Alliance	**1**
National People's Party	**1**
Pakhtoon Khwa Qaumi Party	**1**
Independents	**1**

[11]

4.2 **JUDICIAL SYSTEM**

Introduction

4.2.1 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]**

4.2.2 The (suspended) Constitution provided for an independent judiciary; however in practice the judiciary was subject to political influence under the Sharif administration. The Supreme Court however still continued to demonstrate a degree of independence. Although the higher level judiciary is considered competent and generally honest, there are widespread reports of corruption among lower level magistrates and minor court functionaries. Low salaries, inadequate resources, heavy workloads and corruption contribute to judicial inefficiency, particularly in the lower courts. **[2b]**

4.2.3 During the course of 1997, the judiciary vigorously asserted its authority in disputes with the executive branch, but was outmanoeuvred by the Prime Minister. Executive power was enhanced in 1997 by a constitutional confrontation between the Prime Minister and the Chief Justice over the selection of Supreme Court justices. As a result of this struggle President Farooq Leghari resigned in December 1997, and the Prime Minister's own candidate, former judge Rafiq Tarar, was selected for the presidency by the National Assembly. Also a Supreme Court panel deprived the Chief Justice of his position, and a new Chief Justice was sworn in. Many observers feared that these events damaged the prestige and independence of the judiciary. **[2a]**

4.2.4 Despite these concerns there were several instances in 1998 in which the Supreme Court showed a continued degree of independence. These included the striking down of draconian laws favoured by the Government such as limits on freedom of speech, elements of a controversial anti-terrorism law, and some restrictions on fundamental liberties imposed by the state of emergency declared in the wake of Pakistan's nuclear tests in May 1998. The Supreme Court's decisions in these cases restored the faith of many in the independence of the judiciary. **[2a]**

4.2.5 The Musharraf regime immediately restricted the courts from considering the constitutionality of the new military government. **[20b]** It also controversially dismissed the Chief Justice and five Supreme Court judges on the 26th 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. **[30c]**

4.2.6 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 take place. **[35d]**

Court System

4.2.7 The judicial system involves several different 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 appeals courts for certain Hudood offences. The Hudood ordinances crimalize non-marital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol and property offences. The appeals process in the civil system progresses from 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. **[2b]**

See also Special Courts*: paragraph 4.2.10; and* Anti-Terrorism Act*: paragraphs 4.2.12 - 4.2.16*

4.2.8 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 indigents 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. Defendants are required to make frequent court appearances. **[2b]**

4.2.9 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. The Code also stipulates that those accused in non-bailable offences should be granted bail if the crime which they are accused of carries a sentence of less than ten years. Many accused, especially well-connected individuals who are made aware of impending warrants against them, are also able to obtain pre-arrest bail, and are thus spared both arrest and incarceration. **[2b]**

Special Courts

4.2.10 Special anti-terrorist courts began operation in Punjab in August 1997, and were virtually shut down by decisions of the Lahore High Court in March 1998 and the Supreme Court in May 1998. Subject to appeal these decisions allowed previous convictions of the courts to stand, and the courts continued to convict a few prisoners without recourse to disputed provisions. In October 1998 the Government amended the law pursuant to the decision of the Supreme Court. The anti-terrorist courts, designed for the speedy punishment of terrorist suspects, have special streamlined procedures. However, continued terrorist intimidation of witnesses, police and judges resulted in only a handful of convictions of terrorist suspects before their operation was effectively suspended by the March Lahore High Court decision. **[2a]**

See also Anti-Terrorism Act*: paragraphs 4.2.12 - 4.2.16; and* Police*: paragraphs 5.2.3 - 5.2.6.*

Federal Administered Tribal Areas

4.2.11 The Federal Administered Tribal Areas (FATA) operate a separate legal system. For example 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. **[20b]**

Anti-Terrorism Act

4.2.12 The Anti-Terrorism Act (ATA) passed in 1997 allows confessions obtained while in police custody to be used to convict defendants in the new "special courts". Human rights organizations and the press criticized this provision of the law, as it is commonly believed that the police regularly torture suspects. Police generally did not attempt to use confessions to secure convictions under this law, and the Sharif Government agreed to amend the law after the Supreme Court invalidated this and other sections of the ATA. **[2a]**

See also Police*: paragraphs 5.2.3 - 5.2.6; and* Torture*: paragraphs 5.2.9 - 5.2.11.*

4.2.13 Amnesty International reported that at the end of 1997 several petitions were pending in the Supreme Court and the four High Courts, challenging the constitutionality of the new courts. Existing Special Courts for the Suppression of Terrorists Activities were closed in Sindh and Punjab provinces, and thousands of pending cases were transferred to the new courts. **[4e]**

4.2.14 In May 1998 the Supreme Court ordered the government to amend the ATA to bring it into conformity with constitutionally guaranteed protection by granting higher courts the power to hear appeals from the anti-terrorism courts. Provisions granting police special powers to search private residences, obtain confessions by duress and shoot without first being fired upon were also eliminated **[21b]**

See also Special Courts*: paragraph 4.2.10.*

4.2.15 The Anti-Terrorist Act allowed police, or military personnel acting as police, to enter and search homes and offices without search warrants, and to confiscate property or arms

likely to be used in a terrorist act (which is defined very broadly). This provision was never tested in the courts. While the Anti-Terrorist Act was partially suspended in 1998, the Sharif Government promulgated new Anti-Terrorism Ordinances in October 1998 and in April 1999. By prior law, the police had to obtain a warrant to search a house, but they did not need a warrant to search a person. Police were reported to enter homes without a warrant, and have been known to steal valuables during searches. **[2b]**

See also Police*: paragraphs 5.2.3 - 5.2.6.*

4.2.16 On 2nd December 1999 the Musharraf government added a number of offences to the ATA, including acts to outrage religious feelings; efforts to "wage war against the state"; conspiracy; acts committed in abetting an offence; and kidnapping or abduction to confine a person. **[2b]**

Sharia Law

4.2.17 The (suspended) Constitution of Pakistan required 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 the Prophet Mohammed). **[3]**

4.2.18 The Federal Sharia Court may overturn any legislation judged to be inconsistent with the tenets of Islam. They also act as appeals courts for cases relating to the enforcement of the Hadood Ordinances. The cases referred are heard jointly by Islamic scholars and civilian judges who usually employ ordinary criminal procedures. Judges and lawyers must be Muslims and be familiar with Islamic law. Defendants in the Sharia courts are entitled to bail and lawyers of their choice. **[3]** In August 1998, Nawaz Sharif declared his intention to fulfil his 1997 electoral pledge to make Pakistan a modern Islamic welfare state and amend the Constitution to declare the Koran and Sunnah to be the supreme law of the country. He said that the Koran required the government to establish systems of prayers, the payment of Islamic tax and the eradication of evils from society. He stressed that it had been categorically enshrined in the draft constitutional amendment bill that personal laws, religious freedom, traditions and customs of non-Muslims would not be affected in any way, and that the status they enjoy as Pakistani citizens would also not be affected. **[8f]**

4.2.19 The most controversial clause of the bill, which would have made future constitutional amendments passable by a simple majority of voting members of a chamber rather than two-thirds of total membership, was dropped. Also dropped was the clause that would have made it mandatory for all state functions to comply with government directives for the enforcement of the Sharia. This alleviated previous criticism from the then Prime Minister's own party, and despite criticism from opposition parties and human rights groups the bill (the '15th Amendment') was passed by the National Assembly on 9 October 1998. **[6z]**

4.2.20 The Nawaz Government denied that the proposed legislation would fan religious intolerance, sectarianism and fundamentalism. They said that Sharif's party was not Islamist, and denied that the Bill would enhance the Prime Minister's authority. The Bill needed to be passed by the Senate **[6z]** (upper house) where a two-thirds majority of its 87 members was required to make it law. **[26b]** The Senate however did not vote on the measure before the Musharraf government suspended it in October 1999. **[20b]**

See also Religious Minorities: Introduction*: paragraphs 5.3.1 - 5.3.9.*

4.2.21 The Sharif Government also made formal the teaching of the Koran throughout its education system for the first time. Deep study of the Koran was confined to religious schools. Hitherto students had to learn only a few verses of the Koran in school, but the new policy made it compulsory for them to study all 30 chapters. Sharif had declared his intentions to transform the education system and bring it in line with Islamic ways. **[6p]**

See also Religious Minorities: paragraphs 5.3.1 - 5.3.66*; and* Children*: paragraphs 5.3.112 - 5.3.119.*

4.2.22 According to a report on Pakistan Radio on 16 January 1999, the 'Shari'ah Nizam-i-Adal' (Islamic System of Justice) Regulation and Ordinance 1999 was promulgated for making Islamic law the supreme law in Malakand Division and Kohistan District of North-West Frontier Province (NWFP). The NWFP Chief Minister said that Islamic law would now have the highest position in these areas, and that no other laws would supersede them. He said that cases of personal law affecting non-Muslims would be settled according to their relevant religious laws. The Chief Minister also said that by enforcing Islamic law in these areas, the time was not far away when Islamic law would be enforced throughout the country. **[8h]**

4.2.23 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. However the Islamic Ideology Council (Pakistan's leading religious affairs advisory body) 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. **[35e]**

1860 Pakistan Penal Code

Introduction

4.2.24 The Pakistan Penal Code mandates the death penalty for anyone defiling the name of the Prophet Mohammed; life imprisonment for desecrating the Koran; and up to ten years' imprisonment for insulting another's religious beliefs (i.e. any religion, not just Islam) with intent to outrage religious feeling. **[2b]**

See also Death Penalty*: paragraphs 4.2.34 – 4.2.38.*

Hadood Ordinances

4.2.25 The Hadood 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], [6] & [12c]

See also Ahmadis*: paragraphs 5.3.14 - 5.3.38.*

4.2.26 Offences are distinguished according to punishment, with some offences liable to **Hadd** (Koranic punishment) and others to **Tazir** (non-Koranic 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], [6] & [12c]** In twenty years, not a single Hadd punishment has been carried out since the Hudood ordinances have been in force. **[2b]**

Qisas and Diyat Ordinances

4.2.27 The Penal Code incorporates the doctrine of **Qisas** (roughly "an eye for an eye") and **Diyat** ("blood money"). **[2b]** The Qisas and Diyat Ordinances were promulgated after a 1990 Federal Sharia Court ruling. **[3]** Qisas is not known to have been invoked. Diyat however is occasionally used, with the result that compensation is sometimes paid to the family of a victim in place of punishment of the wrongdoer. Under these ordinances only the family of the victim, not the State, may pardon the defendant. **[2b]**

4.2.28 The Hadood, Qisas and Diyat Ordinances apply to both ordinary criminal courts and Sharia courts. They also apply to non-Muslims. It is claimed that the laws perpetuate gender-based violence against women. A woman who reports a case of rape to the police can find herself charged with adultery as all extra-marital sexual relations, whether consensual or not, are considered to be adultery and a violation of the Hadood Ordinances. **[3], [6] & [12c]**

See also Police*: paragraphs 5.2.3 - 5.2.6; and* Women*: paragraphs 5.3.92 - 5.3.111.*

Blasphemy Law

4.2.29 Section 295(a), the blasphemy provision of the Penal Code, originally stipulated a maximum two-year sentence for insulting the religion of any class of citizens. This sentence was increased to ten years in 1991. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for "whoever wilfully 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". **[2b]** In October 1990 the Federal Sharia Court ruled that the penalty for defiling

the name of the Prophet Mohammed would be "death and nothing else". **[20a]** In 1991 a court struck down the option of life imprisonment. These laws, especially Section 295(c), have been used by rivals and authorities to threaten, punish, and intimidate Ahmadis, Christians and even orthodox Muslims. **[2b]**

4.2.30 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. There have been calls for the abolition of section 295(c) of the Penal Code. **[20a]**

See also Ahmadis*: paragraphs 5.3.14 - 5.3.38; and* Christians*: paragraphs 5.3.39 - 5.3.59.*

4.2.31 On 9 September 1998 Ghulam Akbar, a Shia Muslim, became the first Muslim to be sentenced to death under the blasphemy law. He had been charged with making derogatory remarks against the Prophet Mohammed. **[24f]** No one has been executed by the State under any of the blasphemy provisions, although religious extremists have killed some persons accused under them. Since 1996 magistrates have been required to investigate allegations of blasphemy to see whether they are credible before filing formal charges. **[2b]**

4.2.32 It was reported on Radio Pakistan in December 1998 that, according to the Minister for Religious Affairs and Minorities Affairs, the Prime Minister had constituted a cabinet subcommittee, headed by the Minister for Religious Affairs and Minorities Affairs, to prevent misuse of the blasphemy law. Speaking at a function jointly organized by Masihi-Muslim Rabta (Christian-Muslim Co-ordination) and the Commission and Journalists Information Bureau in Rawalpindi, the Minister said that the committee, in consultation with provincial governments and other ministries, would suggest legal and administrative measures to prevent misuse of the blasphemy law. Recommendations were to be submitted to the Prime Minister. **[8g]** During 1999 the Ministry of Religious Affairs announced the creation of "Peace Committees" to review blasphemy charges before police can act on them, but the committees have not yet been operative. **[2b]**

4.2.33 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]**

See Religious Minorities*: Paragraphs 5.3.1 - 5.3.59*

Death Penalty

4.2.34 Pakistan has one of the largest death cell populations in the world: in mid-1997 2,855 people were under sentence of death. In that year thirteen people were reportedly executed, including a young man who was only fourteen years old at the time of the alleged offence. **[4f]** 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]**

4.2.35 The Penal Code, the Code of Criminal Procedure of 1898 and other statues awarding punishments for criminal offences apply generally to everyone, including children, in all the four provinces of Pakistan except in the designated tribal areas. Under the Pakistan Penal Code, "nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion". The qualification of attainment of maturity implies that a child considered by a judge sufficiently mature at the time of committing the offence will be dealt with by the law as an adult. However, no guidelines are provided for a judge to establish maturity. According to Amnesty International any suspect above the age of twelve, or between the ages of seven and twelve if they have attained "sufficient maturity of understanding" can be tried, convicted and sentenced to all the relevant punishments provided by law, including the death penalty. **[4k]**

4.2.36 Despite the fact that in the Sindh province children under the age of sixteen at the time of initiation may not be sentenced to death, children under that age were reportedly sentenced to death in the Sindh. The Punjab Youthful Offenders Ordinance 1983, which was brought into operation only in the district of Sahiwal in 1993 (but not in other parts of Punjab) bans the death penalty and life imprisonment for any offender below the age of fifteen at the time of the offence. The special laws relating to child protection in Sindh and Punjab override federal laws; there are no special laws protecting children in Baluchistan and the North-West Frontier Province, nor the tribal areas. **[4l]**

4.2.37 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 (Hudood 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 (section 402(b) and harbouring a hijacker (section 402(c))
- zina and rape (Hudood Ordinances)
- blasphemy (section 295(c))

4.2.38 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]**

See also Ahmadis*: paragraphs 5.3.14 - 5.3.38;* Christians*: paragraphs 5.3.39 - 5.3.59;* Women*: paragraphs 5.3.92 - 5.3.111; and* Children*: paragraphs 5.3.112 – 5.3.119.*

Accountability Commission

4.2.39 The National Assembly passed the Accountability (Ehtesab) Bill on 29 May 1997. This applies to those who held public office since 6 November 1990 and provides a mechanism for trial of public officials accused of corrupt practices through an independent office of the Chief Accountability Commissioner. **[8c]** The Sharif Government used the "accountability" process - which supposedly was designed to expose previous wrongdoing, recoup ill-gotten gains, and restore public confidence in government institutions - for political purposes by harassing and arresting a number of prominent politicians and bureaucrats connected with the main opposition party. Few of those arrested and questioned have been put on trial. **[2b]**

4.2.40 The Sharif Government's "accountability cell" was headed by a close associate of the former Prime Minister, Senator Saifur Rehman. This cell, ostensibly initiated to uncover corruption in an even-handed manner, has conducted politically driven investigations of, and campaigns of vilification against, opposition politicians, senior civil servants and business figures. These investigations were designed to extract evidence, and in some cases televised confessions of alleged wrongdoers. In 1998 authorities arrested and questioned the wife and daughter of former Pakistan Steel executive Usman Farooqi in an attempt to pressure the already-imprisoned Farooqi. In an effort to compel a former bureaucrat to return to Pakistan, the Sharif Government prevented the departure of family members, even those who were not citizens of Pakistan, on the grounds that they were "beneficiaries" of alleged corruption. In late July 1998, the Lahore High Court ruled that this approach was invalid. **[2b]**

4.2.41 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]** Benazir Bhutto and Asif Zardari were both formally charged in October 1998 under the Ehtesab laws with corruption. Both pleaded not guilty, Benazir claiming that the case is politically motivated and against her family alone. **[6x]**

4.2.42 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. **[24j]** 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. **[24k]** However on 27 May 1999 the Supreme Court ruled that Benazir's presence in Pakistan was not necessary, allowing her lawyers to appeal. **[26h]**

National Accountability Bureau (NAB)

4.2.43 The Musharraf regime also set up special courts specifically to target "accountability" or corruption cases. On November 16th 1999 a National Accountability Bureau (NAB) was created and also special accountability courts to try corruption cases. The NAB was given broad powers, and the special courts were expected to try cases within 30 days. The ordinance provided for suspects of defaulting on government loans or corruption to be detained for ninety days without charge, and no access to counsel prior to being charged. **[2b]** The NAB also has the power to detain people for up to seventy-five days for investigation, and can bar the courts from granting bail. **[32a]**

4.2.44 The NAB was created to address the issue of the estimated US$4 billion owed to the country's state owned banks, mainly by the wealthy elite who took the loans out over the years with no intention of repaying them. The NAB has stated that it would not target genuine business failures or small defaulters, and appears to have been consistent with this pledge. On 17th November 1999 (after a well-publicised four-week grace period to repay loans expired) at least 100 persons were arrested - largely prominent persons from the business, political, retired military and government bureaucrat spectrums. There is concern however at the presumption of guilt on those tried for corruption. The NAB has charged both former Prime Ministers Nawaz Sharif and Benazir Bhutto with corruption. **[2b]**

4.2.45 Press reports indicated that the NAB has induced a sense of insecurity and despondency amongst the business community in particular. In November 1999 however General Musharraf made an announcement assuring entrepreneurs, businessmen and the people in general that the action taken was specifically against big loan defaulters and corrupt elements within society. **[33a]**

4.3 **SECURITY**

General

4.3.1 Responsibility for internal security rests primarily with the police, although paramilitary forces such as the Rangers and Frontier Constabulary, provide additional support in areas where law and order problems are especially acute (such as Karachi and the frontier areas). Provincial governments control the police and paramilitary forces when they are assisting in law and order operations. The regular army is also occasionally deployed to assist in maintaining public order in sensitive areas during certain religious holidays. **[2b]**

4.3.2 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]**

4.3.3 In accordance with the Code of Criminal Procedure, all information regarding a crime and especially the date of the deposition, must be recorded in a preliminary report (First Information Report or FIR) by the chief of police at the station where the crime was reported. 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, and in the absence of this report the accused may be detained indefinitely without the court being informed. **[12c]**

See also Arbitrary Arrest*: paragraphs 5.2.7 - 5.2.8.*

4.3.4 It was reported in 1999 that members of the security forces committed numerous serious human rights abuses. In Karachi, killings between rival political factions were often carried out with the assistance of criminal gangs. However, many such killings were also believed to have been committed by or with the participation of security forces. **[2b]**

See also Sindh*: paragraphs 4.3.5 - 4.3.8; and* Police*: paragraphs 5.2.3 - 5.2.6.*

Sindh

4.3.5 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 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. Between mid-1992 and late 1994 the army assisted the police in restoring law and order in Sindh. **[3] & [4a]**

See also Police*: paragraphs 5.2.3 - 5.2.6.*

4.3.6 In 1995 Amnesty International reported that killings, abductions and "disappearances" occurred in the context of the struggle between the two MQM factions and the Government's campaign to restore law and order. Fighting between Shia and Sunni political groups also led to arbitrary and deliberate killings. **[4a]**

See also Muttahida Qaumi Movement*: paragraphs 5.3.67 - 5.3.91.*

4.3.7 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) continued. The MQM (Altaf) denied any responsibility for the violence and accused the MQM (Haqiqi) of obstructing its workers and elected representatives. The Haqiqi faction accused the police of cracking down on its workers since the MQM (Altaf) joined the provincial government after the February 1997 elections. The Karachi police chief stated that all the political groups have weapons, and that the police were determined to seize all illegal weapons regardless of the party. **[6f] & [6i]**

4.3.8 On 30 October 1998, Prime Minister Sharif dismissed the Sindh provincial government and imposed federal rule in an attempt to stop the political and ethnic violence in Karachi. On 20 November he announced that military courts would be established to restore peace to Karachi. **[24g]** However on 17 February 1999 the Supreme Court ruled that the controversial special military courts were illegal. **[26e]** The Court ruled that all pending cases should be transferred to existing anti-terrorist courts, and drew up guidelines for the speedy conduct of terrorist cases. **[24i]** The military courts were disbanded following the ruling, however the Prime Minister vowed not to stop his war against terrorism. Political, ethnic and sectarian violence had taken more than 800 hundred lives in Karachi in 1998. **[26f]**

See also Muttahida Qaumi Movement*: paragraphs 5.3.67 - 5.3.91.*

Punjab

4.3.9 The province of Punjab has also been affected by sectarian violence. Armed militants have been active in all of Punjab's towns with large numbers of deaths as a result of clashes between Sunni and Shia extremist groups. In response the Punjab Government decided to set up Suppression of Terrorism Activities Courts to deal with cases of terrorism and sectarian violence. The police were instructed to finalise the chalans (prosecution process) of terrorists and sectarian cases within seven days so that such cases could be tried in the courts of competent jurisdiction. The Government also decided to set up a Rapid Deployment Force to combat terrorist activity. **[5a], [8a] & [8b]**

See also Anti-Terrorism Act*: paragraphs 4.2.12 - 4.2.16;* Police*: paragraphs 5.2.3 - 5.2.6; and* Shia Muslims*: paragraphs: 5.3.60 -5.3.66.*

V HUMAN RIGHTS ISSUES

5.1 INTRODUCTION

5.1.1 Although the human rights situation has reportedly improved substantially since the death of Zia ul-Haq, a culture of violence and criminality is said to prevail in Pakistan. **[20a]** The US State Department reported that in 1999 Pakistan's human rights record remained poor, with serious problems of police abuse, religious discrimination and child labour. **[2b]**

See also Arbitrary Arrest*: paragraphs 5.2.7 - 5.28.*

5.1.2 The Human Rights Commission of Pakistan reported that human rights abuses rose in 1997. Sectarian conflict was notably at its most violent for years, with some 200 people being killed, mostly in the central province of Punjab. **[6q]** Human Rights Watch commented that the sectarian violence, and the erstwhile government's harsh response to it, left little scope for improvement in human rights. **[20a]** The same source reported that human rights were absent from the Government's agenda in 1998. **[21b]**

5.1.3 Throughout 1999, despite attempts to reform and to professionalize the police both before and following the coup, police committed numerous extra-judicial killings and tortured, abused and raped citizens. While the officers responsible for such abuses sometimes were transferred or

suspended for their actions, there is no evidence that any police officers were brought to justice. In general, police continued to commit serious abuses with impunity. Prison conditions remained poor, and police arbitrarily arrested and detained citizens. **[2b]**

See also Security*: paragraphs: 4.3.1 - 4.3.9;* Police*: paragraphs 5.2.3 - 5.2.6;* Arbitrary Arrest*: paragraphs 5.2.7 - 5.2.8;* Religious Minorities*: paragraphs 5.3.1 - 5.3.66;* Women*: paragraphs 5.3.92 - 5.3.111; and* Children*: paragraphs 5.3.112 - 5.3.119.*

5.2 GENERAL ASSESSMENT

Findings of the UN Special Rapporteur

5.2.1 The United Nations' Special Rapporteur on Torture visited Pakistan in early 1996. His report to the United Nations Commission on Human Rights covered a number of areas of concern. These included unlawful detention by the security forces; torture, including rape, and ill treatment to elicit confessions and to compel detainees to incriminate others; denial of medical treatment to detainees; and use of fetters and corporal punishment. The Special Rapporteur referred to positive steps such as the creation of the Ministry of Human Rights, but concluded that there was no political will to address the issue of impunity. There was also considered to be no serious effort on the part of the Government then in office to reform the police or judicial systems, or to prosecute those responsible for human rights abuses. **[7a]**

See also Police*: paragraphs 5.2.3 - 5.2.6.*

5.2.2 The Special Rapporteur further reported in 1997 that he had received information indicating that the death sentence may be imposed in trials which are alleged not to meet minimum fair trial standards as laid down in international instruments. Death sentences imposed in trials before the Special Courts for the Suppression of Terrorist Activities fall short of international standards for fair trial, in so far as these trials do not proceed from the presumption of innocence. **[7c]**

Police

5.2.3 Police committed extra-judicial killings during 1999. The extra-judicial killing of criminal suspects, often in the form of deaths in police custody or staged encounters in which police shoot and kill the suspects, is common. The Human Rights Commission of Pakistan (HRCP) estimated that there were 161 extra-judicial killings in the first 4 months of the 1999. It has been reported that in Punjab alone 265 individuals were killed in 182 encounters with police between January and June 1999. Police officials maintain in private that due to the lack of concrete evidence, witness intimidation, corruption in and threats against the judiciary, and sometimes political pressure, courts often fail to punish criminals involved in serious crimes. **[2b]**

5.2.4 Police professionalism is low. The police view the killings of criminal suspects as appropriate in light of the lack of effective action by the judiciary against criminals. The judiciary on the other hand faults the police for presenting weak cases that do not stand up in court. Police officers occasionally are transferred or briefly suspended for their involvement in extra-judicial killings. However, court-ordered inquiries into these killings so far have failed to result in any police officer receiving criminal punishment. In general, police commit such

killings with impunity. **[2b]** Amnesty International reported in their 1999 Annual Report that the police did not apparently take any protective measures when religious groups in September and October 1998 issued fatwas offering rewards for anyone killing human rights activists, journalists and religious personalities, including the head of the Ahmadiyya community. **[4j]**

5.2.5 In 1997 Punjab province Chief Minister Shahbaz Sharif declared that his own police were "corrupt and inefficient". He appointed new senior officials to improve effectiveness, while resisting pressure to appoint those recommended by influential supporters to police positions. In an attempt to increase police professionalism, a Punjab elite police training academy was established in November 1997 and began training hundreds of constables. Special women's police stations were established in 1994 in response to growing numbers of complaints of custodial abuse of women, including rape. These police stations are staffed by female personnel, but receive even less material and human resources than regular police stations, according to human rights advocates. **[2b]**

5.2.6 Human rights groups and lawyers in Pakistan have reportedly accused the government of executing hundreds of suspected criminals in fake shootouts carried out by the police. They describe the killings, reported in the local press as “police encounters”, as a deliberate government policy. It has also been reported that one of the Punjab top police officials has admitted that at least 50% of police shoot-outs were faked. The Government, however, denies such a policy. Lawyers, human rights activists and doctors in the Punjab have launched an independent investigation. **[28f]**

See also Ahmadis*: paragraphs 5.3.14 - 5.3.38;* Christians*: paragraphs 5.3.39 - 5.3.59; and* Women*: paragraphs 5.3.92 - 5.3.111.*

Arbitrary Arrest

5.2.7 The law regulates arrest and detention procedures; however the authorities 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 persons 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 is produced 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. **[2b]**

5.2.8 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]**

See also Security*: paragraphs 4.3.1 - 4.3.9; and* Police*: paragraphs 5.2.3 - 5.2.6.*

Torture

5.2.9 Although expressly forbidden by the Constitution and the Penal Code, torture and other cruel, inhuman, or degrading treatment by the police remains common. Police routinely use force to elicit confessions. Human rights observers suggest that because of the widespread use of physical torture by the police, suspects usually confess to crimes regardless of their guilt or innocence; the courts subsequently reject many such confessions. **[2b]**

5.2.10 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. **[2b]**

5.2.11 Due to greater scrutiny by non-governmental organizations and the media, as well as a program of prison inspections in the Punjab, torture and abuse may be decreasing in prisons. **[2b]** Amnesty International reported that torture (including rape) in police custody and jails remained widespread in 1998, resulting in at least 50 deaths. Amnesty also reported that children were particularly at risk of torture and ill treatment. **[4j]** Amnesty estimate that at least 100 persons die from police torture each year. **[2b]** Few police officers said to be responsible for inflicting torture and death to detainees are brought to justice, instead being subjected to administrative disciplinary measures. **[20a]**

See also Police*: paragraphs 5.2.3 - 5.2.6,* Children*: paragraphs 5.3.112 – 5.3.119 and* Prison Conditions*: paragraphs 5.4.48 - 5.4.49*

Supervision of Elections

5.2.12 National elections for national and provincial assemblies were held in February 1997. Election observers, including teams from the Human Rights Commission of Pakistan and groups representing the European Union, the Commonwealth of Nations and the South Asian Association for Regional Co-operation, concluded that the elections were generally "free and fair" with no evidence of systemic or widespread abuse of the electoral process. **[2b]**

Human Rights Groups

5.2.13 There are several domestic human rights organizations, and new human rights and legal aid groups continue to form. These groups are generally free to operate without government restriction. The Government has provided protection to human rights lawyers defending accused blasphemers following threats and attacks on the lawyers by religious extremists. **[2b]** Throughout 1998, Pakistan's human rights movement remained active on a range of issues including protests against the country's nuclear tests [in May of that year]. **[21b]**

5.2.14 The provisional government of the Punjab announced in May 1999 that almost 2,000 non-government organizations had been “dissolved”, and a second wave of some 30,000 organizations were under threat. Following a meeting of the NGO forum on 14 may 1999, a senior official said that any NGOs found to have indulged in “anti-state” or “anti-Islamic” activities would be shut down. In its defence the Punjab provincial government reported that it was simply weeding out corrupt and inactive NGOs. Thousands of NGOs in Pakistan reportedly exist only on paper and were set up purely to embezzle donor funds. However, there was much concern that the clean up would be used to sweep away organizations disliked by the Sharif

government because of their opposition to nuclear testing and the introduction of Sharia law. Women's groups, human rights activists and other bodies across Pakistan pledged to resist closure moves. **[28d]**

5.2.15 Soon after taking office the new Punjab government appointed by the Musharraf regime lifted the ban on NGO registration on 18th November 1999. Several of Musharraf's cabinet members were also active with NGOs prior to their appointment. Cabinet members and the National Security Council continue to meet on human rights issues **[2b]**

5.3 SPECIFIC GROUPS

Religious Minorities

Introduction

5.3.1 The Constitution of Pakistan guarantees the rights of religious minorities. Pakistan is an Islamic republic in which 96% of the population are Muslim. While the majority belongs to the Sunni sect, some 20 - 25% of the population are Shia Muslims. **[2b]** The remainder are mainly Hindus or Christians. The Constitution requires that laws are consistent with Islam **[3]** and imposes some elements of Koranic law on both Muslims and religious minorities. There are also restrictions on certain testimony in court by non-Muslims. Anti-Semitic sentiments are widespread, with press articles of this nature relatively common. There are however few citizens, if any, who are Jewish. **[2b]**

5.3.2 Amnesty International reported that in 1997 members of religious groups indiscriminately attacked places of worship. **[4e]** In that year, the Prime Minister spoke out in support of the rights of religious minorities, and hosted a Christmas dinner in 1997 for 1,200 persons. In September 1998, the Government removed colonial-era entries for "sect" from government job application forms to prevent discrimination in hiring. However the faith of some, particularly Christians, can often be ascertained from their names. **[2b]**

5.3.3 Despite the Musharraf regime's suspension of the Constitution, they have nonetheless stated that their government 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. **[28h]** There is also prohibition of the exploitation of religion for sectarian or political interests. **[20b]**

5.3.4 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]**

See also Christians*: paragraphs 5.3.39 - 5.3.59.*

5.3.5 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. "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]**

5.3.6 Minority religious groups feared that the constitutional imposition of Sharia law favoured by Nawaz Sharif in his proposed 15th amendment, and his goal of Islamizing government and society, may further restrict the freedom to practice non-Islamic religions. The Sharif Government countered that the proposed amendment contained specific language protecting the rights of minorities. Discriminatory religious legislation had encouraged an atmosphere of religious intolerance, which led to acts of violence directed against minority Muslim sects, as well as against Christians, Hindus and members of Muslim offshoot sects such as Ahmadis and Zikris. **[2b]**

5.3.7 Upon conversion to Islam, the marriages of Jewish or Christian men remain legal. However when women from these groups (or other non-Muslim women) convert to Islam their marriages performed under the rites of the previous religion are considered dissolved. **[2b]**

5.3.8 In April 1999 Prime Minister Nawaz Sharif established a ten-member committee of religious scholars to address the issue of religious intolerance and violence. It collapsed within a few weeks however as Shia leaders were unhappy with the committee chairmen, Dr Israr Ahmad, head of the Tanzeem-e-Islami who reportedly have a reputation for religious intolerance. **[2b]**

See also Sharia Law*: paragraphs 4.2.17 - 4.2.23.*

5.3.9 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]

Voting Rights

5.3.10 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. In 1978 two separate electorates - one for Muslims and one for religious minorities - were created for the National and Provincial Assemblies. **[3]**

5.3.11 The last five elections (1985, 1988, 1990, 1993 and 1997) have been held under the separate electoral system. Under this system, the different religious groupings were compartmentalised: Muslims are allowed to vote only for Muslim candidates and minorities for

minority candidates. 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]**

5.3.12 Each of the four categories is maintained on a separate electoral roll, and minorities cannot cast votes for the Muslim constituency seats. Under Article 106 of the Constitution, seats in the provincial assemblies are reserved for minorities. Under this system, minorities vote for reserved at-large seats, not for non-minority candidates who represent actual constituencies. Because of this, local parliamentary representatives have little incentive to promote their minority constituents' interests. Many Christian activists state that these "separate electorates" are the greatest obstacle to the attainment of Christian religious and civil liberties. Ahmadi leaders encourage their followers not to register as "non-Muslims," so most Ahmadis are completely un-represented. **[2a]** Ahmadis do not accept the official designation of themselves as non-Muslims and so refuse to take up the seats allocated to them in the National and Provincial elections. **[3]**

5.3.13 The 1997 general election report stated that each Christian NA member represented 327,606 persons; each Hindu and scheduled castes NA member, 319,029; the Sikh, Buddhist, Parsi and other non-Muslim member, 112,801; and the Ahmadi member 104,244. These figures significantly understated the population of most of the minority groups because they are based on 1981 census figures. **[2a]**

See also Federal Legislature*: paragraphs 4.1.9 - 4.1.10; and* Ahmadis*: paragraphs 5.3.14 - 5.3.38.*

Ahmadis

Introduction

5.3.14 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]**

5.3.15 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), and he 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. It was also revealed to him that he was the Prophet whose advent had been foretold in the principal religions of the world. **[12a] & [12d]**

See also Bai'at*: paragraph 5.3.28.*

5.3.16 The Koran describes Muhammad as the "seal of the prophets", and thus he is regarded as the last prophet. 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]**

5.3.17 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

5.3.18 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]**

Legislative Restrictions

5.3.19 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]**

5.3.20 President Zia ul-Haq introduced the Hudood (Punishment) Ordinances in 1984, which "define crimes against Islam" and "enforce punishment for those who commit such crimes". In Hudood cases, the testimony of a non-Muslim is considered to be worth half that of a Muslim. **[7c]**

5.3.21 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." **[3] & [13]** Ordinance XX was incorporated into the 1985 Constitution. On 28 April 1984 **[7c]** President Zia promulgated Ordinance XX, a law which provides for prison terms of up to three years and fines for Ahmadis who called themselves Muslims and who used Islamic terminology (inserted as sections 298(B) and 298(C) of the Pakistan Penal Code). **[3] & [13]** The constitutionality of this Section was upheld in a split-decision Supreme Court case in 1996. **[2b]**

5.3.22 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]**

5.3.23 Many Ahmadis have been charged and imprisoned under sections 298(b) & (c) and 295(c) and 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]**

5.3.24 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]**

See also 1860 Pakistan Penal Code*: paragraphs 4.2.24 - 4.2.38.*

Passport Declaration

5.3.25 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 which states inter alia, that Mirza Ghulam Ahmad is an impostor and that his disciples are not Muslims. **[12b]**

5.3.26 There are conflicting reports about the consequences of this: 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]**

5.3.27 However, most Ahmadis indicate that they are Muslims, and sign the passport declaration because they do not want to draw attention to their Ahmadi faith, and do not consider 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

5.3.28 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]**

See also Religious Minorities: Introduction*: paragraphs 5.3.1 -5.3.9.*

Current Situation

5.3.29 According to the 1999 US State Department report, Ahmadis continued to suffer from a variety of restrictions of religious freedom and widespread societal discrimination. This included 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]**

5.3.30 Ahmadis are often targets of religious intolerance, much of it instigated by organized religious extremists. Ahmadi leaders claim that militant Sunni mullahs and their followers sometimes stage marches through the streets of Rabwah, their spiritual centre. Backed by mobs of 100 to 200 persons, the mullahs purportedly stride down the streets uttering tirades against the Ahmadis and their founder, a situation that often leads to violence. Police are generally on hand during these marches the Ahmadis claim, but generally do not intervene to prevent trouble. A number of Ahmadis were seriously injured in attacks by religious extremists, and Ahmadi leaders attribute several killings of Ahmadis during 1999 to anti-Ahmadi extremists. Tabloid-style Urdu newspapers are often responsible for stirring emotions against Ahmadis by running "conspiracy " stories. **[2b]**

5.3.31 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]** Even the rumour that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. **[2b]** 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]** Ahmadi students are subject to abuse by their non-Ahmadi classmates, and the quality of teachers assigned to the schools by the government is poor. Young Ahmadis and their parents also complain of difficulty in gaining admittance to good colleges, forcing many children to go abroad for higher education. **[2b]** Ahmadi newspapers and magazines have been banned when their articles were considered offensive to the religious feelings of orthodox Muslims. **[3]**

5.3.32 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]**

5.3.33 According to the Human Rights' Commission of Pakistan, the government's unofficial changes to the procedures for filing formal blasphemy charges made in 1995 have been followed by a significant drop in the number of charges. Since 1996 magistrates are required to investigate allegations of blasphemy to see whether they are credible before filing formal charges. **[2a]** From 1986 to 1993 over 200 Ahmadis were charged with blasphemy, although none were convicted. **[7c]** 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]**

5.3.34 Amnesty reported that 32 members of the Ahmadi community were reportedly charged with religious offences in 1997. **[4e]** Three were convicted of blasphemy in December of that year; lawyers for the men have appealed the decision to the Lahore High Court, whose ruling had not been issued by the end of 1999. A number of other persons are also in jails awaiting trial on blasphemy charges. **[2b]** Amnesty also reported that at least 106 members of the Ahmadi community were charged in 1998 with blasphemy under Section 295-C of the Penal Code. In April 1998 an Ahmadi doctor was reportedly sentenced to ten years' imprisonment by an anti-terrorism court. **[4j]** According to Ahmadi sources, 80 Ahmadis were implicated in criminal cases on a "religious basis" (including blasphemy) between January and early December 1999; 44 Ahmadis were charged with violating blasphemy and anti-Ahmadi laws during 1998. According to these sources, a total of 195 Ahmadis have been charged under the

law since its inception. **[2b]**

5.3.35 Mirza Ghulam Qadir, a nephew of the Supreme Head of the Ahmadiyya Muslim Association, was murdered in Pakistan on 14 April 1999. Members of the Lashkar Jhangvi, the military wing of the Sipah-i-Sahaba-i-Pakistan, reportedly fired at Mirza Ghulam Qadir after he tried to escape from being abducted. Three bystanders were also killed in the incident. The Police Elite Force later killed the four Lashkar Jhangvi members after the perpetrators took refuge in a school, where they had reportedly taken students and children hostage. The members who died were considered to be well-known terrorists and were wanted by the police. **[18b]**

Lahori Ahmadis

5.3.36 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]**

5.3.37 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]**

5.3.38 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]**

Christians

Introduction

5.3.39 There are some 1.7 million Christians in Pakistan of various denominations. 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. **[9] & [13]**

5.3.40 Discrimination in employment is believed to be common, and many Christian parents express difficulty in gaining their children admission to government schools and colleges. Fears are also expressed of forced marriages between Muslim male and Christian women, although

this is a relatively rare occurrence. Violent reprisals against converts to Christianity also occur. **[2b]**

5.3.41 The government does not interfere in the practice of Christian worship. Separate electorates and reserved parliamentary seats exist for religious minorities, including Christians. Proselytisation is forbidden under Pakistani law. Some Christians complain that they have been harassed by extremist Muslim groups who assert that proselytisation defames the Prophet Mohammed. **[13]**

See also Religious Minorities: Voting Rights*: paragraphs 5.3.10 - 5.3.13.*

Salamat Masih

5.3.42 In 1995 Salamat Masih, a fourteen-year old Christian boy and his uncle, Rehmat Masih, were found guilty of writing blasphemous remarks on a mosque wall in Punjab two years earlier. They were shot and wounded while leaving the court during the trial and a third accused, Manzoor Masih, was killed in the attack. They were sentenced to death. The sentences were later quashed by the Lahore High Court. Salamat and Rehmat left Pakistan and sought asylum in Germany. The Prime Minister at the time, Benazir Bhutto, angered the country's Islamic fundamentalists when she said she was "shocked and saddened" by the death sentence, but she later stated that blasphemy would remain a capital offence. **[1], [3], [17] & [14a]**

Khanewal and Shantinagar Incidents

5.3.43 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. It was reported that the police were believed to have instigated the incident with the help of Islamic groups in retaliation for the suspension of several police officers who had been disciplined after desecrating the Bible during an earlier raid. Approximately 20,000 were rendered homeless. The Government took immediate relief action, deploying troops briefly to restore order and the Prime Minister visited the villages. **[2a], [12g] & [14c]**

5.3.44 Later that month on 13 February 1997, thousands of Christian demonstrators protesting in Karachi about the burning of the churches in Khanewal clashed with the police, and around 200 were detained. **[12g] & [14c]**

See also Police*: paragraphs 5.2.3 - 5.2.6.*

5.3.45 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 for compensation to victims for the violence against Christians in the February 1997 disturbances. **[12g]** At the end of 1999 the 86 persons who were charged with offences relating to the attack remained free on bail, and there was no indication that the authorities planned to bring them to trial. **[2b]**

Bishop John Joseph

5.3.46 On 6 May 1998 John Joseph, a Roman Catholic bishop and prominent human rights defender, **[7c]** 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. **[7c]** The sentence was for allegedly speaking favourably about Salman Rushdie. **[20a]**

5.3.47 The incident sparked protests by Christians against section 295(c), as well as attacks by militant Muslims against an area known as Christian Town, during which they burned several houses and shops and demanded that section 295(c) remain on the statute books. **[20a]**

5.3.48 Christian pressure groups and foreign governments have put pressure on the Government of Pakistan to amend the blasphemy laws. Nawaz Sharif expressed his regret at the bishop's suicide. In a condolence message to the bishop's family and the Christian community, he pledged that minority rights were guaranteed under the Constitution of Pakistan. He hoped that the bishop's suicide would not harm relations between the Christian minority and the Muslim majority. **[6r]**

5.3.49 No one has ever been executed in Pakistan for blasphemy, **[6r]** however over a dozen Christians have been jailed under the blasphemy laws, four of whom were reportedly killed in detention. Ayub Masih is the fourth to be condemned to death, with three others acquitted on appeal. **[7c]** Following an application from Ayub Masih's lawyers, the Lahore High Court on 12 May 1998 ordered suspension of the death sentence until the outcome of the appeal. **[6s]** The High Court appeal was still pending at the end of 1999. **[2b]**

See also Blasphemy Law*: paragraphs 4.2.29 - 4.2.33; and* Ahmadis*: paragraphs 5.3.14 - 5.3.38.*

Current Situation

5.3.50 According to the 1999 US State Department report reprisals against suspected converts to Christianity are common, and a general atmosphere of religious intolerance has led to acts of violence against religious minorities. Many Christians continue to express fear of forced marriages between Muslim males and Christian women, although the practice is relatively rare. **[2b]**

5.3.51 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. Christians find themselves disproportionately over represented in Pakistan's most oppressed social group - bonded labourers. Christians also claim that their children have difficulties in gaining admission to government schools and colleges, a problem they attribute to discrimination. **[2b]**

5.3.52 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. It is reported that during 1996 one First Information Report was registered against a Christian under section 295(c). **[13]** At least two Christians were charged with blasphemy in 1998, and remain in prison in Punjab. Another Christian was convicted of blasphemy on a lesser charge and released for time served (four-years). **[2a]**

See also 1860 Pakistan Penal Code*: paragraphs 4.2.24 - 4.2.38.*

5.3.53 The Government attempted to introduce legal safeguards to protect individuals from false charges of blasphemy in the wake of the Salamat Masih case, but it backed down from introducing legislation in the face of pressure from Islamic parties. However, it appears that administrative changes have 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]**

See also Salamat Masih*: paragraph 5.3.42.*

5.3.54 A local Muslim cleric and a mob destroyed a Christian church in Sheikhupura, Punjab in December 1997. The cleric objected to the construction of the building on land sold by his brother-in-law to a Christian group. On the night of 26 January 1998, three armed intruders killed Noor Alam, the Presbyterian Church of Pakistan pastor who led the building of the church. Police made no arrests for either the killing or the property destruction. Another cleric was arrested near Faisalabad on 23 December 1998 for pulling down a crucifix and a microphone set up in a Roman Catholic church for Christmas. The vandal was quickly released. **[2a]**

5.3.55 On 18 November 1998, nine members of a Christian family were killed and mutilated in their home in Nowshehra, in an attack that some Christians allege was sectarian. On 29 and 30 December 1998 four family members were arrested and charged with the crime. They asserted their innocence to the press, but the investigation of the incident was closed by the end of 1998. **[2a]**

5.3.56 According to a February 1999 news report, Christians in Pakistan are turning to violent militant movements in a bid to counter increasing sectarian attacks and discrimination. One senior community leader said that Catholic church elders were deeply worried by the trend towards violence. Community leaders fear this may lead to a civil war with Muslims. **[19b]** Several Pakistani Christians claim to have infiltrated hard line Islamic movements and to have spent months in training camps in Pakistan and Afghanistan learning guerrilla tactics. Others have joined the "Christian Taliban". The movement's aims are unclear but appear to be a mixture of self-defence and, in a clear copy of the original Taliban, the enforcement of a harsh moral code. Others have called for the formation of armed defence organizations modelled on extremist Muslim groups. The Bishop of Lahore, Alexander Malik, has reportedly called for volunteers for a new organization called the Sipah-e-Masiyah ('Defenders of the Messiah'). Sources among church leaders in Lahore reported in February 1999 that the Sipah-e-Masiyah was "ready and waiting". **[19b]**

5.3.57 Christian Solidarity Worldwide (CSW) reported in April 1999 that in Gujaranwala, three more Christians had been accused of blasphemy as a way of getting even and settling a grudge. CSW also reported that there had been reports of police intimidation against the tiny Christian community in the area, resulting in some families moving out. **[27b]**

5.3.58 In March 1999 three young girls who had converted to Islam from Christianity were removed from their parent's custody by a court. The parents attributed the loss of their girls to

the influence of religious extremists, who packed the courtroom. They claim to have suffered harassment, and their family has since moved and is reportedly in hiding. **[2b]**

5.3.59 In April 1999 President Rafiq Tarar chaired a seminar in Lahore aimed at promoting a better understanding between Christians and Muslims. Reconciliation efforts since the anti-Christian violence in Shantinagar were discussed. **[2b]**

Shia Muslims

5.3.60 While the majority of the Muslim population belong to the Sunni sect, some 20% are Shia. **[34]** Shias are well integrated into Pakistani society, but there have been outbreaks of violence between the two sects. Sunni-Shia differences are grounded in theological disputes, dating back for centuries. **[8d] & [13]** Shias are inspired by Imam Ali, the son-in-law of the prophet Mohammed. Every year Shias commemorate the massacre of Imam Hussain, the younger son of Imam Ali. Imam Hussain and 72 of his followers were massacred after refusing to swear allegiance to the Muslim Caliph in Karbala, Iraq over 1400 years ago. The massacre is interpreted by Shias as an example of perseverance against tyrannical rule. **[31b]** Violence often erupts over perceived slights individual Shias and Sunnis believe they have experienced from members of the other group. **[8d] & [13]**

5.3.61 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. **[8d] & [13]** There has however been a notable decrease in sectarian violence since the October 1999 military coup. **[2b]**

5.3.62 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. Another extremist Sunni organisation is Lashkar-i-Jhangvi led by Mohammad Naeem Kunain, and which is accused of murder, looting and robbery. **[8d] & [13]**

5.3.63 It was reported in September 1997 that following the introduction of the Anti-Terrorism Act, sectarian killings and gun battles in Karachi and in Punjab significantly receded. Life was said to be returning to normal in Lahore and other Punjab cities since the security forces had been given sweeping powers under the new law. The improved situation boosted support for the Muslim League government, but the swift trials and severe punishments were criticised, and there were fears that the militants could return to the streets at any time as the new law did not address the root cause of terrorism. **[5d]**

See also Ahmadis*: paragraphs 5.3.14 - 5.3.38; and* Christians*: paragraphs 5.3.39 - 5.3.59.*

5.3.64 According to Amnesty International, some 200 people were killed in sectarian violence between Sunnis and Shias in the Punjab in 1997. **[4e]** According to the 1999 US State Department, sectarian violence between Sunnis and the Shias continued to take its toll during the

year. In the Punjab, a deadly pattern of Sunni-Shia violence resumed in which terrorists kill persons because of their membership in rival sectarian organizations, or simply for their religious identification. **[2b]**

5.3.65 In July 1999 the Government released Sunni extremist leader Mohammad Azam Tariq, chief of the Sipah-i-Sahaba-i-Pakistan (SSP), who had been arrested in May 1997 and charged with the murder of a former PPP member of Parliament and in 58 other cases of murder, terrorism, and incitement of sectarian violence. The SSP and its militant offshoot, Lashkar-i-Jhangvi, are frequently involved in anti-Shia sectarian violence. **[2b]**

5.3.66 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. **[28b]** The first incident of sectarian violence against Shias since the October 1999 military coup occurred on 12th April 2000, when gunmen attacked a Shia prayer meeting in a village about 120km south of Islamabad. Fourteen were killed and thirty-four injured. There were reports of involvement by the Sipah-i-Sahaba. **[31b]**

Muttahida Qaumi Movement

Introduction

5.3.67 Currently there are three Muttahida Qaumi Movement (MQM) factions: the Altaf faction, led by Altaf Hussain (currently in exile in London); the Haqiqi faction (literally: the "real" MQM), which was formed in the spring of 1991 and is led by Afaq Ahmed; and the militant Basic Association for the Citizens of Karachi (BACK) faction, which emerged in June 1998, and is led by Umer Khan (a leading MQM militant, known as the MQM's "killing machine" but thrown out by the MQM in 1988). Relations between the factions have been tense. The MQM has little support outside Sindh. In southern Punjab there has been some activity at district level but support at elections has been minimal. **[6f], [6t], [3], [4a], [13] & [19a]**

5.3.68 Mohajirs were 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 the descendants of such people. 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]**

5.3.69 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]**

5.3.70 As a result of the settlement of some 7 million Mohajirs, the province of Sindh experience 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

5.3.71 The All Pakistan Mohajir Student Organisation was founded in 1978 to counter the rising ethnic militancy of Sindhi students against the Mohajirs. The Mohajir Qaumi Movement (MQM) was formed in March 1984 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. 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], [4a] & [16e]**

5.3.72 The party won municipal elections in Karachi and Hyderabad in 1987, and repeated its success in national elections in 1988 and 1990. The MQM formed part of the national coalition government headed by the PPP, which was in power between December 1988 and August 1990. However the MQM broke away in October 1989, alleging that the PPP had not kept its electoral promises to improve the situation for Mohajirs. It switched its support to the Islamic Democratic Alliance of Nawaz Sharif. **[6f], [3], [4a] & [13]**

5.3.73 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. By 1991 the MQM represented virtually all the Urdu-speaking community in Karachi and Sindh. **[6f], [3], [4a] & [13]** The party changed its name to the Muttahida Qaumi (National) Movement in July 1997, but kept the acronym MQM. **[12g]**

Violence in Sindh

5.3.74 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]**

5.3.75 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. 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]**

See also Arbitrary Arrest*: paragraphs 5.2.7 - 5.2.8; and* Torture*: paragraphs 5.2.9 - 5.2.11.*

5.3.76 Amnesty International reported that the MQM (Altaf) boycotted the October 1993 general elections claiming army intimidation, but participated in the Sindh Provincial elections a few days later, winning 27 of the 100 Assembly seats. **[4a]**

5.3.77 After the army withdrew from Sindh on 30 November 1994 violence escalated rapidly. 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. **[3] & [4a]**

5.3.78 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. 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 in 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. **[13] & [16e]**

5.3.79 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. **[13] & [16e]**

5.3.80 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. **[13] & [16e]**

See also Police*: paragraphs 5.2.3 - 5.2.6.*

Current Situation

5.3.81 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. **[6d]**

5.3.82 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]**

5.3.83 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]**

5.3.84 The MQM, despite a number of moderate and non-violent leaders now in the Senate, the National Assembly and Sindh Provincial Assembly, has not been able to separate itself from its violent past. As a result it has antagonized followers, suffered violent breakaways, and continually been at odds with successive governments. **[2b]**

5.3.85 Violence among rival MQM factions, especially between the Altaf and the Haqiqi factions, continued in 1998. The fighting intensified in June 1998, resulting in more than 171 persons being killed. Some of the attacks were believed to have been carried out either with police participation or acquiescence. Affected neighbourhoods were under the control of gunmen. The violence was exacerbated by the creation of a new MQM faction, the Basic Association of Citizens of Karachi (BACK), headed by a former bodyguard of the self-exiled London-based MQM leader Altaf Hussein. The BACK was implicated in the torture killings of members of the other two MQM factions (Altaf and Haqiqi). These two factions also continued to kill each other's activists. The violence slowed somewhat after the Sindh police increased their presence in Karachi in late June 1998, and paramilitary rangers were allowed to enter houses without warrants to make arrests. **[2a]**

5.3.86 Karachi also witnessed an upsurge in political, ethnic and sectarian violence throughout 1998. **[6w]** More than 800 lives were lost in 1998, **[26f]** compared with 400 in 1997 and 500 in 1996. Security officials blame most of Karachi's violence on factional fighting between the mainstream MQM and its breakaway Haqaqi faction, and between militant groups of the majority Sunni and minority Shia Muslims. **[6w]**

5.3.87 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 the 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 have not been withdrawn. The MQM has also accused the country's intelligence agencies and paramilitary forces of the extra-judicial killing of its activists and backing its opponents. **[6w]**

5.3.88 Although the MQM rejoined the Sindh coalition on 24 October 1998, **[26a]** they again withdrew on 29 October 1998 - a day after Nawaz Sharif had accused MQM members of killing Hakim Mohammed Said, a widely respected former governor of Sindh who was assassinated in early October. On 30 October 1998, the Prime Minister dismissed the Sindh provincial government and imposed federal rule on the province in an attempt to stop the political and ethnic violence in Karachi. Since the beginning of Governor's Rule in October 1998 hundreds of MQM activists were arrested in the government's crackdown on terrorism, with the MQM asserting that they were specifically targeted. **[2a]**

5.3.89 Nawaz Sharif announced on 20 November 1998 that military courts would be established to restore peace to Karachi. **[24g]** However the Supreme Court ruled on 17 February 1999 that the controversial special military courts were illegal. **[26e] [26e]** The Court ruled that all pending cases should be transferred to existing anti-terrorist courts, and drew up guidelines for the speedy conduct of terrorist cases. **[24i]** The courts were therefore disbanded following the ruling. **[26f]**

5.3.90 On August 21st 1999 two MQM members, Mohammed Saleem and Ahmed Saeed were convicted in an anti-terrorist court and sentenced to death for the 1997 killings of two foreign employees of Texas Petroleum and their driver. Controversy surrounded the trial as the convictions were based largely on the confessions of the accused, which had later been withdrawn on the grounds that they were obtained through torture. **[2b]**

5.3.91 In December 1999 the military established talks with exiled MQM leader Altaf Hussain. It was reported that the Musharraf government 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 have reportedly been discussed. **[8i]**

See also Security*: paragraphs 4.3.1 - 4.3.9; and* Police*: paragraphs 5.2.3 - 5.2.6.*

Women

5.3.92 The status of Pakistani women varies considerably with their social background, the region in which they live. Women belonging to the elite classes have been able to move beyond their traditional role and attend university, take up non-traditional careers, join political movements and even choose their husbands. However, women in rural areas and from the working classes of the industrial centres are illiterate, live in poverty and are subject to onerous labour. **[3] & [12c]**

5.3.93 The Pakistani Constitution recognises the equality of men and women before the law. It prohibits all forms of discrimination (especially sexual discrimination) within the civil service, and grants women the right to participate fully in all activities in the national arena. However in practice these Constitutional clauses do not provide equality in the reality of daily life. **[3] & [12c]**

5.3.94 Apart from the women's wing of the Muslim League, the Women's Voluntary Service was the first women's movement to emerge in Pakistan, and was founded in 1947. This opened the way for many other organisations, among them the All Pakistan Women's Association founded in 1949 and which is affiliated with various international organisations. Aurat and Shirkat Gah, which came into being in the late 1970s, are two organisations that have also played an active

role in the promotion of women's rights. Since the lifting of martial law the number of organisations working for the cause of women has continued to grow. Pakistani women can obtain legal and medical assistance as well as consultation services from centres such as Bedari and Roshni in Islamabad, Eve's Protector in Karachi, Behbood in Rawalpindi, and AGHS Legal Aid Cell in Lahore. **[12c]**

5.3.95 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]**

5.3.96 Pakistan has 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]**

5.3.97 In 1994 the Government established 'The Commission of Inquiry for Women', which consisted of human rights lawyers, Islamic scholars and legislators, and was headed by a Supreme Court judge. It was mandated to "review all the existing laws which are discriminatory to women or affect their rights being equal citizens of Pakistan". Its remit was also to recommend amendments to bring laws and rules "in accordance with the injunctions of Islam as enshrined in the Holy Quran and Sunnah", as well as other remedial measures. The Commission made public a report in August 1997, which analysed law and practice affecting women in Pakistan and set out a list of recommendations that would secure the full enjoyment of rights to women. However, according to Amnesty International in September 1998, the human rights of women continued to be routinely ignored and violated. **[4g]**

5.3.98 In response to a growing number of complaints of custodial abuse of women (including rape), special women's police stations were established in 1994. However, these police stations, even though staffed by female personnel, are provided with even less adequate material and human resources than regular police stations. According to the Commission of Inquiry for Women, the stations do not function independently or fulfil their purpose. Despite court orders and regulations requiring that female suspects be interrogated only by female police officers, women continued to be detained overnight at regular police stations and abused by male officers. In a study of Lahore newspapers from January to May 1999, the Human Rights Commission of Pakistan found 11 cases of violence, rape, or torture of women while in police custody . **[2b]**

See also Police*: paragraphs 5.2.3 - 5.2.6; and* Torture*: paragraphs 5.2.9 - 5.2.11.*

5.3.99 The Pakistan based Women's Action Forum (WAF) has expressed concern that the laws of **Qisas** and **Diyat** may have damaging repercussions in intra-family murder cases, as the

concepts of Qisas and Diyat lose their meaning within a family context. **[3] & [12c]** The Special Rapporteur reported in 1997 that the Qisas and Diyat Ordinance severely limits the possibility of those sentenced to death to have their sentences commuted to life imprisonment. **[7b]** The most common form of intra-family murder is the killing of a female member by the male head of the family. The WAF has questioned whether the State is abdicating its responsibility to control violence within the family. **[3] & [12c]**

5.3.100 The Hadood Ordinances, and in particular the Offence of Zina (relating to rape, abduction, adultery and fornication), which replaced the sections in the Pakistan Penal Code relating to rape, have also had an impact on women. The Penal Code defined rape as forced sexual intercourse, but the Islamic definition of rape (zina) is that it is an extra-marital offence and thus excludes any notion of marital rape. A woman who reports a case of rape to the authorities can find herself charged with adultery under the Ordinances as all extra-marital sexual relations, whether consensual or not, are considered to be adultery and thus a violation of the Hadood Ordinances. As a consequence most women do not report sexual abuse and rape. **[3] & [12c]** It is estimated that less than a third of all rapes are reported to police, who may act in an abusive way towards the victim, and with judges and prosecutors tend to presume female consent. The collection of evidence is also problematic, with doctors inadequately trained or lacking the facilities to gather forensic evidence pertaining to rape. Delays in medical examinations also make the evidence they may gather of dubious utility. The virginity status of the victim tends to be focused upon. Medical examiners and police have also been known to verbally and physically abuse women during examinations, especially those accused of adultery or fornication. Despite laws against this, examinations of this type have been performed without the woman's consent. **[2b]**

5.3.101 In 1997 the National Assembly passed a law that provided for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remained low. **[2b]**

5.3.102 In 1999 there were hundreds of incidents involving violence against women reported in the press. Increased media coverage of cases of wife burnings, spousal abuse, spousal murder and rape has helped to raise awareness about violence against women. The press continued to draw attention to killings of married women by relatives over dowry, suspicion of illicit sexual relations or other family-related disputes. Most of the victims are burned to death, allegedly in kitchen stove accidents; some women have been reportedly burned with acid. The Commission of Inquiry for Women found that newspapers reported an average of fifteen cases of stove deaths per month during a six month period of 1997 - most victims being young married women. Human rights groups have estimated that 70-90% of women are victims of domestic violence, either at the hands of their husbands or other relatives. **[2b]** One human rights organisation estimated that there are three hundred deaths a year as a result of bride burning**. [35c]**

5.3.103 A crisis centre for women in distress was opened in 1997 in Islamabad. The centre (the first of its kind in Pakistan) is an initiative of the Ministry of Women's Development with the assistance of local NGOs. The centre offers legal and medical referrals from volunteer doctors and lawyers, counselling from trained psychologists and a hot line for women in distress. Although the centre opened before funding had been allocated and staff hired, the centre is now fully staffed. Staff for a second centre in Vehari in southern Punjab also began training. **[2b]**

5.3.104 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. **[23]** This law circumscribed the practice of polygamy and required that all marriages must be registered, which eliminated the abused practice of divorce by declaration (**talaq**). Furthermore the law grants women the right of divorce on condition that a clause to this effect was written into the marriage contract (**nikah nama**). However it is reported that men continue to have an advantage in divorce proceedings, and can dissolve a marriage more easily than women can. **[3] & [12c]**

5.3.105 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. **[23]**

See also 1860 Pakistan Penal Code*: paragraphs 4.2.24 - 4.2.38.*

5.3.106 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. However there are reportedly 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 "dishonouring" the family. **[4g]**

5.3.107 Generally the government does not interfere with the right to marry, but has on occasion assisted influential families to prevent marriages their members entered into without consent. There has also been a lack of actions taken against influential families with regard to "honour killings" **[2b]**

5.3.108 Amnesty International reported that several hundred honour killings **[4k]** (whereby a father or brother kills a daughter or sister on suspicion of pre-marital relations with a male or when they refuse to be forced into an arranged marriage) **[31a]** were reported in Pakistan in 1998, but the true number was thought to be considerably higher. The organisation also reported in September 1999 that this was an on-going problem. **[4o]** Most honour killings reportedly go virtually unpunished as the police and judiciary usually side with the offenders. 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. It was reported that the failure of the Senate in August 1999 to pass a resolution condemning the practice triggered an outcry among rights activists. **[31]** In rural areas the problem is much more prominent, where victims of rape may become victims of their families' vengeance against the victims' "defilement". For example in March 1999 Amnesty International reported a mentally retarded 16-year-old girl, Lal Jamilla Mandokhel, was raped repeatedly by a field assistant. After the police turned her over to her tribe (having been in protective custody) she was killed by a tribal firing squad for bringing shame to her tribe, the only remedy of which was her death. **[2b]**

5.3.109 Although women participate in government, they are under represented in political life at all levels. Six women held seats in the 217-member National Assembly prior to the coup, up from four seats in the previous Parliament. Thirty-five women (more than ever before)

campaigned for seats in the 1997 national elections. The Parliamentary Commission on the Status of Women in Pakistan recommended reserving one-third of seats in all elected bodies for women. **[2b]**

5.3.110 According to Amnesty International in September 1998, a private member's bill seeking the restoration of reserved parliamentary seats for women (which lapsed in 1990) was defeated on 7 May 1997 by the PML parliamentary majority, on the grounds that the provision of twenty reserved seats would be contained in a comprehensive "constitutional reform package". Following protests by women's groups, in March 1998 the Minister for Parliamentary Affairs assured representatives of women's organizations that he would take up immediately with the Prime Minister the women's demand of delinking the issue of reservation of women's seats from the constitutional reform package. Furthermore, on 1 April 1998 the federal cabinet announced its decision to increase women's representations in local councils by 100%. **[4g]**

5.3.111 The Sharif Government also set into motion some important programmes for women's welfare. The President stated that there was no scope for discriminatory treatment towards women in an Islamic democratic society. He also stated that it was necessary to grant women special concessions. **[8e]** Pakistan's first women's university will accommodate 4,000 women students in Rawalpindi. **[25]**

Children

5.3.112 Only 65% - 70% of children under the age of twelve are enrolled in school, less than half of whom actually complete primary school. **[2b]** There are only enough schools for about 70% of the children, and the dropout rate is over 50% due to high costs. **[20a]** Those who attend school are not assured of being able to read and write. **[2b]**

See also Sharia Law*: paragraphs 4.2.17 - 4.2.23.*

5.3.113 The 1973 Constitution prohibits the employment of children under the age of fourteen in factories, mines and other hazardous occupations. **[20a]** However, many children begin working at a very early age. In 1996 the government announced the results of a survey (the first of its kind) assisted by the International Program for the Elimination of Child Labour. The results estimated a figure of 3.3 million children aged between 5 and 14 years (8% of the population) were "economically active", with around a third working in agriculture. 60% of child labour occurred in the Punjab. Many observers believe that this survey significantly understated the problem of child labour, and put the figure of child labourers as high as 20 million. **[2b]**

5.3.114 Incidents of rape and murder of minor teenage children are common. Child prostitution involving boys and girls also exists. The NGO 'Shabab-i-Milli' launched a campaign to raise public awareness of this problem. Children are sometimes kidnapped to be used as forced labourers, ransom or to seek revenge against an enemy. In rural areas poor parents sometimes give their children to rich landlords in exchange for money or land. These children are frequently abused by their owners and held as bonded labourers for life. Landlords have also been known to pay poor parents for the "virginity" of their daughters, whom the landlords then rape. **[2b]**

5.3.115 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]

5.3.116 Pakistan also signed in August 1996 a resolution at a ministerial conference of the South Asian Association of Regional Co-operation, which called for an end to all forms of child labour by 2010 and of child labour in hazardous occupations by the turn of the century. **[21a]** The International Labour Organization signed an agreement in Islamabad in October 1998, to phase out the employment of under-fourteens in the carpet-weaving industry. **[14d]**

5.3.117 Although legal rights for children are protected by numerous laws that incorporate elements of the UN Convention on the Rights of the Child, the government frequently fails to enforce these laws. In general female children are less valued and cared for than male children and receive less nourishment, health care and education than boys. In 1998 the government of Punjab, the country's most populous province, began an ambitious program to improve the quality of its educational system. **[2b]**

5.3.118 There is only one jail in each province for convicted prisoners under 21 years of age, and many therefore are incarcerated with the adult prison population, suffering extremely poor conditions and sexual abuse by prison guards. Punjab and Sindh do have laws mandating special judicial procedures for child offenders, but in practice they are treated the same as adults. There were an estimated 4,000 children in the nation's prisons (some as young as 8 years old) in 1999, compared with 3,480 in 1998. Children are subject to the same delays in judicial proceedings as adults, with one case of a child spending 3 years and 4 months awaiting trial. Human Rights Watch also report that some have been beaten and even tortured while in detention. This has been done to extract confession; it has also been used to punish or intimidate child detainees, or to extort payment from their families for their release. **[2b]**

See also Prison Conditions*: Paragraphs: 5.4.48 - 5.4.49*

5.3.119 The UN Convention on the Rights of the Child explicitly bans the death penalty for those under eighteen years of age. **[19d]** Despite being a signatory, Amnesty International reported in May 1999 that fifty children were on death row in Pakistan. **[4p]** The most recent child to hang in Pakistan was Shamun Masih - executed on 30th September 1997 for armed robbery and murder. He was fourteen at the time of the offence. **[19d]**

Homosexuals

5.3.120 Section 377 of the Pakistan Penal Code deals with unnatural offences. Punishment under this section is up to ten years imprisonment and a fine. Homosexuality was not included in the 1979 Hudood Ordinances, and there is no specific law providing for the protection of homosexuals. **[9]** Homosexuality is considered immoral **[20a]** but is prevalent and tolerated to

different degrees. In rural areas amongst the lower classes it is common and accepted within limits. **[9]** Known homosexuals are said to become social outcasts. **[20a]** There is no specific legal basis for prosecuting homosexuals as such, but certain homosexual acts are illegal. **[9]**

5.4 **OTHER ISSUES**

Assembly and Association

5.4.1 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". Freedom of association is also provided for in the Constitution, subject to restriction by government ordinance and law. There are no banned groups or parties. **[2b]**

5.4.2 The Government had hitherto not usually interfered with large political rallies. However 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 were still permitted, although they must not make use of loud speakers. Strict instructions for implementation were also issued to provinces. **[33e]**

5.4.3 The Interior Ministry justified their action by citing the current geo-political environment. They stated that in the interest of Pakistan's future, all political and religious elements would exhibit totally responsible behaviour to curb unruly elements. Their statement read: "The main objective of the government is the restoration of order and harmony in the society with a view to provide security and prosperity to citizens." They stated that in the past the country had frequently witnessed intense conflict, disorder and breakdown of institutions; resulting in a "fractious society and incalculable damage to the economy." **[33e]**

Speech and Press

Introduction

5.4.4 The Pakistani Constitution provides for freedom of speech and the press, and citizens are broadly free to discuss public issues. Anyone who damages the Constitution by any act, including the publication of any statements against the spirit of the Constitution can be prosecuted for treason. However, prosecutions under this area are rare. The Constitution also prohibits the ridicule of Islam, the armed forces or the judiciary. **[2b]**

5.4.5 The competitive nature of Pakistani politics helps to ensure press freedom since the media serve as a forum for political parties. Commercial, religious and various other interests as well as influential individuals also compete with and criticize each other publicly. Under the Nawaz Sharif administration, respect to freedom of speech and of the press deteriorated as the regime attempted to silence critics and to influence the substance of media reporting. The Musharraf regime however made no attempt to exercise direct control over the expression of media views. Articles critical of the Musharraf regime have appeared regularly in the press, with journalists and editors reporting no attempts at influence from above **[2b]**

5.4.6 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 political parties, ethnic, sectarian, religious groups, militant student organizations and occasionally commercial interests. Such pressure is a common feature of journalism, and when the group is extreme in its views can include physical violence, the sacking of offices, intimidation or beating of journalists, and interference with distribution. **[2b]**

5.4.7 The Government owns and operates the bulk of radio and television stations through its official broadcast bureaucracies: the Pakistan Broadcasting Corporation and Pakistan Television. Domestic news coverage and public affairs programming on these broadcast media are closely controlled by the Government and have traditionally reflected strongly the views of the party in power. **[2b]**

5.4.8 Dramas and documentaries on previously taboo subjects including corruption, social privilege, narcotics, violence against women and female inequality are frequently broadcast on television, but some sensitive series have been cancelled before broadcast. Literary and creative works remain generally free of censorship. Obscene literature is subject to seizure. **[2b]**

Jang Group of Newspapers

5.4.9 The country's leading Urdu daily Jang, and the English-language daily News were cut off for a time [in 1998] from critical government advertising revenue, after publishing articles unflattering to the Sharif Government. The Jang group was also served with approximately $13 million in tax notices, harassed by government inspectors and pressured not to publish articles. **[2a]** Hundreds of opposition politicians, lawyers, human rights workers and journalists held a rally on 3 February 1999, and then marched through Lahore demanding that the Government stop victimising the Jang Group. **[14e]**

5.4.10 The Sharif Government filed more than a dozen lawsuits against the Group, accusing it of sedition, treason, tax evasion, concealing properties it owned and suppressing sales. Government intelligence agencies seized all the company's newsprint, froze its bank accounts and stopped its delivery vans in major cities. **[14e]** The Jang announced in January 1999 that it would go to court to solve the tax row. The Sharif government maintained that it was investigating tax evasion by the Group, and promised vigorously to pursue all wealth and income tax evasion cases irrespective of who it involves. The Jang Group accused the Government of intimidation, harassment and of trying to use pressure to muzzle its independence. **[26c]** On 1 February 1999 the Supreme Court ordered the Government to release the newsprint. **[26d]**

Najam Sethi

5.4.11 Najam Sethi, the editor and publisher of the weekly newspaper the Friday Times and a former Pakistan correspondent for The Economist, was beaten and arrested by police at his home in Lahore on 8 May 1999 and subsequently held at an unknown location. **[24j]** Government officials, including the Information Minister, stated that Sethi's arrest was connected with a speech he gave to the India-Pakistan Friendship Society in New Delhi on the problems facing Pakistan. Sethi's wife and other journalists in Pakistan believe that Sethi's arrest was connected to his journalistic contact with a BBC team investigating corruption in Pakistan. Several other journalists, who have been in contact with the BBC, have also reportedly been targeted. **[4m]**

5.4.12 Sethi's wife filed three petitions to the Lahore High Court. On 10 May 1999 the Lahore High Court asked the Punjab State to respond. In a further hearing on 12 May 1999 the High Court dismissed all three petitions on the grounds that Sethi was under investigation for anti-state activities, in the custody of military intelligence, the Inter Services Intelligence (ISI) over whom the court had no jurisdiction. **[4m]** On 17 May 1999 a Supreme Court hearing allowed Sethi to meet his family and lawyer. An appeal made by Sethi's wife against the Lahore High Court's dismissal of a petition to produce Sethi in court after his arrest was accepted by the High Court. The Supreme Court said that it would seek to clarify the status of the ISI and the powers of the judiciary in relation to it. **[4n]**

5.4.13 Following intense international and domestic criticism, the Government released Sethi on 2 June 1999 without bringing any charge. **[28e]** Sethi was reportedly placed on the Exit Control List and barred from leaving Lahore Airport on 23 June 1999 (to travel to London to receive a special award for human rights from Amnesty International). **[26i]** According to Sethi, there are approximately fifty tax cases currently filed against him and his family. **[2b]**

Travel

5.4.14 Most citizens enjoy freedom of movement within the country and to travel abroad. However, the Government limits these rights at times. The authorities sometimes prevent political party leaders from travelling to certain parts of the country. Government employees and students must obtain "no objection" certificates before travelling abroad, although this requirement is rarely enforced against students. **[2b]**

5.4.15 Citizens regularly exercise the right to emigrate. However an Exit Control List (ECL), which is constantly being revised, is used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption or other offences. No judicial action is required to add a name to the ECL, and there is no judicial recourse or formal appeal mechanism if one's name is added. In some cases courts have directed the Government to lift restrictions on some ECL listed politicians' travel abroad. **[2b]**

5.4.16 Following the October 1999 coup, the Musharraf regime put huge amounts of individuals suspected of corruption on the ECL. Over 3,000 names were reportedly added after the coup, apparently focusing on loan defaulters. Human rights activists Nasreen Jalil and Asma Jehangir were also prevented from attending meetings abroad in November and December 1999 respectively. **[2b]** Initially the names of over 700 suspended parliamentarians and advisers were on the ECL following the coup. However this had been reduced to less than 150 by mid-December 1999, consisting only of those required by the authorities in various pending cases or cases in the process of being formulated. The interior ministry had by now also stopped its pursuit of corrupt bureaucrats' names to be added to the ECL. **[33b]**

Trafficking

5.4.17 Trafficking in persons remains a significant problem, with little being done to address the problem. Pakistan is a receiving country for women from surrounding countries for the purpose of forced prostitution, with many ending up incarcerated on immigration or Hudood ordinance related charges. **[2b]**

5.4.18 Young boys are also trafficked from Pakistan to Persian Gulf states to work as camel jockeys, and sometimes are abducted and sent abroad without the knowledge or consent of their parents. **[2b]**

Azad Kashmir

Introduction

5.4.19 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 neither for 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. **[9]**

5.4.20 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. **[9]**

5.4.21 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 1949 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. **[9]**

5.4.22 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]**

5.4.23 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

5.4.24 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. **[9]**

5.4.25 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". **[9]**

Line of Control

5.4.26 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%). **[9]**

5.4.27 The Line of Control runs over 700km of forested hills and inhospitable terrain. In places, villages are split and mountains bisected. In some parts Pakistani and Indian troops face each other less than a hundred metres apart, whereas in other parts peaks of over 5.000 meters separate them. **[35b]**

Elections

5.4.28 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]**

Government

5.4.29 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. **[9]**

5.4.30 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. **[9]**

5.4.31 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. **[9]**

5.4.32 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]**

5.4.33 Following the military coup of October 12 1999, Azad Kashmir was the only government that was left functioning - the other four provinces of Pakistan having had small-scale

administrations appointed by the new military regime. However the current 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]**

Current Situation

5.4.34 Pakistan's relations with India are tense, especially over the status of Kashmir. While the Government of Pakistan is said to acknowledge providing "moral, political and diplomatic support to Kashmir militants", the Jammu and Kashmir Liberation Front claimed responsibility for three bombings in and around New Delhi in 1996. Pakistan has also alleged that India has sponsored a series of bombings in Punjab province from late 1995 to 1996, in which at least eighteen people were killed.

5.4.35 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". Although the feud over Kashmir was addressed only for the purpose of side stepping it, the premiers promised to "intensify the dialogue process" over the state's future. **[19c]**

5.4.36 However, 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. **[26g]** 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. **[26j]**

5.4.37 The Kargil conflict along the line of control resulted in 100 villages being evacuated on the Pakistan side. There were reportedly 14,000 people displaced from the Indian side living in twenty camps on the Pakistan side. **[2b]**

Northern Areas

5.4.38 The Northern Areas comprise Hunza, Gilit and Baltistan. Due to an unresolved territorial dispute with India, its 1 million inhabitants have not been covered under any Constitution and had no representation in the suspended federal legislature. The area is administered by an appointed civil servant. The elected Northern Areas Council merely serves in an advisory capacity, and has no powers to change laws or to raise and spend revenue. In May 1999 the Supreme Court gave the government six months to provide the Northern Areas with government by their chosen representatives and an independent judiciary. **[2b]**

5.4.39 On 3rd November the Musharraf regime allowed previously scheduled elections to take place. Candidates were elected from the PML, the PPP and the Tehtik-e-Jafria as well as independent candidates. **[2b]**

Afghan Refugees

5.4.40 Pakistan has not acceded to the 1951 United Nations' Convention Relating to the Status of Refugees or its 1967 Protocol, and Pakistan has no national legislation governing the treatment of refugees. **[10] & [16]** However, the Government co-operates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. **[2b]**

5.4.41 First asylum has been provided to refugees from Afghanistan since 1979, when several million Afghans fleeing Soviet occupation poured across the border. There still are believed to be 1.2 million Afghan refugees in Pakistan who have been granted first asylum. The Government has not granted permanent legal resettlement to Afghan refugees but allows them to live and work in Pakistan. Many are self-supporting and live outside refugee camps, which has resulted in some hostility among local communities whose residents believe that Afghans take job opportunities from them. **[2b]** A large number have obtained Pakistani identity cards and are expected to remain in Pakistan indefinitely. **[2a]** The government considers that there are an additional 2 million Afghan refugees living in urban centres not assisted by UNHCR. **[20b]**

5.4.42 In 1996 some 120,700 refugees repatriated from Pakistan to Afghanistan. However, in that same year 40,000 new Afghan refugees entered Pakistan. The Government was commended for permitting the new refugees to enter. **[22]** The UNHCR began its emergency assistance programme for Afghan refugees in Pakistan in 1979 at the request of the Pakistan Government. It has also assisted Afghans to return home: an estimated 85,000 people returned to Afghanistan in 1997, but that was the lowest annual return rate since 1988. **[10] & [16]** According to the UNHCR, there were no reports of the forced return of persons to a country where they feared persecution. The Government is co-operating with the UNHCR to support voluntary repatriation of Afghans to rural areas of Afghanistan considered to be safe. **[2b]** Since 1988 some 2.7 million Afghans have repatriated from Pakistan. **[2a]** In 1999 a total of 91,834 (or 16,105 families) repatriated mostly to the south-eastern provinces of Afghanistan. **[20b]**

5.4.43 Afghan refugees have limited access to legal protection, and depend on the ability of the UNHCR and leaders of their groups to resolve disputes among themselves and with Pakistanis. Police frequently attempt to prevent Afghan nationals from entering the cities, and reports exist that some have been forced back into refugee camps. Most able-bodied male refugees have found at least intermittent employment but are not covered by labour laws. Women and girls obtained better education and health care than is currently available in Afghanistan from NGOs who provided services. However Afghans working for NGOs occasionally have been targets for harassment and violence by conservatives, including Taliban sympathisers, in the Afghan refugee community. **[2b]**

5.4.44 According to Amnesty International death threats have been made against dozens of Afghan citizens based in Pakistan. The identity and political links of the assassins are not known, but those targeted include prominent Afghan personalities (intellectuals, human rights defenders and women's rights campaigners) actively opposed to Taliban policies. Most of them are Afghan intellectuals of Pashtun ethic background. In some cases, individuals claiming to

represent the Taliban have reportedly delivered warnings in person, seeking an end to what they have termed as "anti-Taliban activity". However, the Taliban movement has itself claimed no responsibility for the attacks. **[4h]** Between January 1998 and January 1999 it was estimated that up to twelve Afghan moderates or former Communists were killed by unknown assailants. **[2b]**

5.4.45 Amnesty also reported that at least four Afghan political figures were assassinated in Pakistan in November 1998, and that there were at least two politically motivated attacks against Afghans, known for their opposition to the Taliban, in January 1999. The Pakistani police have reportedly not taken serious measures to investigate these attacks and bring those responsible to justice. A human rights defender and her husband have received a number of death threats. The couple, under Pakistani police protection, believed that more needed to be done to ensure their safety. **[4i]** A February 1999 UK news report claimed that appeals for protection to the UNHCR in Peshawar had trebled during the previous six months. **[28c]**

5.4.46 Many Afghans have also experienced hostility from some local communities who believe that Afghans are contributing to crime in the country, as well as taking job opportunities from them. **[2b]**

5.4.47 Throughout 1999 around 30,000 new Afghan refugees (mainly ethnic Hazaras) arrived, largely in Baluchistan. Their level of protection depended on the time and reasons for fleeing Afghanistan. In December 1999 UNHCR was informed that in 1998 the Sharif government had changed its policy of considering all Afghans prima facie refugees, since they believed Afghanistan now had a legitimate government controlling 90% of the territory. Only Afghans with valid documents were subsequently officially permitted to enter. Repatriation efforts were stepped up, with cases determined on an individual basis. This policy shift, unaltered by the Musharraf regime, implies a decrease in admissions and an increase in repatriations. In practice however the porous nature of the border and long-standing migratory patterns meant cross border movements continued, with only members of distinctive groups detained or harassed. **[20b]**

Prison Conditions

5.4.48 Prison conditions are extremely poor and overcrowded. In 1999 the prison population stood at 82,000 for an authorized population of 35,833. Karachi prison appears to be the most chronic, with 4,277 prisoners in an establishment built for only 991. It is estimated that 80% are awaiting trial, mainly for petty offences. Tight, heavy and painful shackles are routinely used (despite a Sindh High Court 1993 ruling outlawing the practice), reportedly leading to gangrene and even amputation in several cases. **[2b]**

5.4.49 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. **[2b]** Reports of torture and also sexual abuse of juveniles continued to surface throughout 1999. **[21c]**

See also Children*: paragraphs 5.3.112 – 5.3.119*

ANNEX A

POLITICAL ORGANIZATIONS AND OTHER 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). Stands for Pushtun nationalism; support based in North West Frontier Province and Baluchistan. Helped PPP struggle against martial law in 1980s. Gained 10 National Assembly seats in 1997 elections and formed alliance with PML in NWFP. However, ANP withdrew from that alliance on 26 February 1998. Led by Wali Khan.

BALUCHISTAN NATIONAL MOVEMENT / HAYEE GROUP (BNM / H)

Part of opposition to Nawaz Sharif's last government, led by Dr. Hayee Baluch.

BALUCHISTAN NATIONAL MOVEMENT / MENGAL GROUP (BNM / M)

Part of Nawaz Sharif's last government, led by Sardar Akhtar Mengal.

BALUCHISTAN NATIONAL PARTY

Gained 3 seats from Baluchistan in 1997 elections; stands for Baluch nationalism. Part of Nawaz Sharif's last government.

BASIC ASSOCIATION FOR THE CITIZENS OF KARACHI (BACK)

Militant faction of MQM. Emerged June 1998, led by Umer Khan.

HARAKAT UL-ANSAR (HUA)

Umbrella terrorist organization (closely associated with Saudi dissident, Osama bin Laden). Comprises two militias: **Harakat ul-Mujahidin** and more extreme **Harakat ul-Jihad**. Formed in 1980s to fight Russians in Afghanistan. Despite repeated official denials, reportedly assisted by Pakistan’s military intelligence agency: the Inter-Services Intelligence, which provides training, expertise and funding, although much of HUA’s money comes through donations from sympathisers in Islamic countries. HUA and ISI share common goal: Pakistan’s complete control of Kashmir. Splinter group: **Al Faran** (responsible for kidnap of five Westerners in Indian state of Jammu and Kashmir in 1995).

JAMAAT-i-ISLAMI (JI) (aka JAMAAT-i-ISLAMI PAKISTAN) (Islamic Assembly)

Founded 1941. Seeks establishment of Islamic (Sunni) order; support in Punjab and urban Sindh. Student wing is **Islami Jamiat-I (JIP)** Tuleba. Boycotted 1997 elections, led by Qazi Hussain Ahmed.

JAMHOORI WATAN PARTY (JWP)

Part of Nawaz Sharif's last government. Led by Akbar Khan Bugti.

JAMIAT-i-ULEMA- i-ISLAM (JUI)

Founded 1950; advocates adoption of constitution in accordance with Sunni teachings. Sympathetic to Afghanistan's Taliban. Main support lies in North-West Frontier Province; party was ally of PPP when in government (1993-1996).

JAMIAT-i-ULEMA- i-PAKISTAN (JUP)

Founded 1948; advocates progressive Sunni Islamic principles and enforcement of Islamic laws in Pakistan. Close to PML and Jamaat-e-Islami. Two factions: **Jamiat-i-Ulema-i-Pakistan (Niazi Group) (JUP (N))** and **Jamiat-i-Ulema-i-Pakistan (Noorani)**.

JAMMU AND KASHMIR LIBERATION FRONT (JKLF)

One of the principal militant organizations in Azad Kashmir and Jammu and Kashmir, favouring independence for Kashmir. Not a proscribed organization; its most prominent leader, Amanullah Khan, lives in Pakistan. JKLF followers are not specifically the target of persecution, although militant members have sometimes been detained when they have engaged in protest action or have been suspected of assisting Kashmiri separatists in Indian administered Kashmir.

LASHKAR JHANGVI

Military wing of Sipah-i-Sahaba-i-Pakistan.

MILLI YAKJHETI COUNCIL (MYC)

Frequently shifting umbrella organisation which includes the Jamaat-i-Islami, led by Qazi Hussain Ahmed; the Jamiat Ulema-i-Islam, Sami-ul-Haq faction (JUI/S), Tehrik-i-Jafria Pakistan (TJP) led by Allama Sajid Naqvi; and the Jamiat Ulema-i-Pakistan Noorani faction (JUP/NO).

MUSLIM STUDENT FEDERATION

Student organization of PML.

MUTTAHIDA QAUMI MOVEMENT (MQM) (United National Movement)

Founded 1978 as **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 fled from India at partition in 1947. Split into two factions in 1992: MQM (Altaf), headed by Altaf Hussain, and MQM (Haqiqi), headed by Afaq Haqiqi. This split was allegedly sponsored by the military, who reportedly use the MQM (H) as a tool to

undermine the MQM (A). Third militant faction 'Basic Association for the Citizens of Karachi' (BACK), led by Umer Khan, emerged in June 1998.

NATIONAL PEOPLE'S PARTY (NPP)

Part of opposition to last Nawaz Sharif government, led by Ghulam Mustafa Jatoi.

PAKHTUN KHWA MILLI AWAMI PARTY (PKMAP)

Part of opposition to last Nawaz Sharif government, led by Mahmood Khan Achakzai.

PAKHTUN QUAMI PARTY (PKQP)

Part of opposition to last Nawaz Sharif government, led by Mohammed Afzal Khan.

PAKISTAN MUSLIM LEAGUE (PML)

Founded 1906 by Mohammad Ali Jinnah. Split in 1979: pro-Zia **Pagaro Group** and **Chatta Group** (later re-named the **Qasim Group**). The Pagaro Group split into two factions when a group of army-supported Zia loyalists, known as **Fida Group**, separated from **Junejo Group** in 1988. In 1993 the Junejo Group split into two factions: one led by Nawaz Sharif, and known as the **Nawaz Group**; the other retained title of Junejo Group. The PML (J) failed to win any seats in 1997 elections. PML (N) now regarded as sole inheritor of the PML tradition. The party is conservative and pro-business; main power base is in Punjab. Gained 134 seats in 1997 elections; now forms the government. Student organization is Muslim Student Federation. On 10 April 1998, the majority of leaders of PML(J) merged with PML(N). The united party now known as PML. However, Hamid Chatta, parliamentary leader of PML(J) was not party to this agreement and he continues to call his organization PML(J).

PAKISTAN PEOPLE'S PARTY (PPP)

Founded 1967 by Zulfikar Ali Bhutto; advocates Islamic socialism, democracy and non-aligned foreign policy. Chaired by Benazir Bhutto. Main stronghold in Sindh. Formed minority government after 1988 elections; dismissed August 1990. Formed government after 1993 elections; again dismissed November 1996. Party only won 18 seats in 1997 elections. **People's Student Federation** is student organization; **People's Youth Organization** is youth organization.

PAKISTAN PEOPLE'S PARTY-SHAHEED BHUTTO (PPP/SB)

Founded 1995 as breakaway faction of PPP by Benazir's brother Murtaza Bhutto. Chaired by his Lebanese born widow, Ghinwa Bhutto. Secured one NA seat in Sindh in 1997 elections.

PAKISTAN PEOPLE'S UNITY (Pakistan Awami Ittehad)

Opposition alliance, formed by Benazir Bhutto, made up of 15 parties from left to right; regarded as an 'opportunistic' alliance to fight PML.

PEOPLE'S STUDENT FEDERATION (PSF)

Student organization of PPP.

PEOPLE'S YOUTH ORGANIZATION (PYO)

Youth organization of PPP.

SIPAH-I-SAHABA-I-PAKISTAN (SSP)

Radical Sunni organisation, meaning 'Soldiers of the Prophet's Friends'. Started in early 1980s as breakaway faction of JUI. Campaigns against Shia Muslims and has asked successive governments to declare Shias heretics. Known as **Anjuman-i-Sipah-i-Sahaba-i-Pakistan** (ASSP) until c. 1990. Military wing: Lashkar Jhangvi.

TEHRIK-I-INSAAF (Movement for Justice)

Founded 1996 by Pakistan's former cricket captain, Imran Khan. Main platform is fight against corruption. Failed to win any seats in 1997 elections.

TEHRIK-I-JAFRIA-I-PAKISTAN (TJP)

Founded 1987 as political party; Shia extremist; leader Allama Sajid Ali Naqvi. Has militant branch: **Sipah-I-Mohammad Pakistan (SMP)** (Shia counterpart of the SSP - see above).

[1], [6c], [6t], [9], [19a], [18b], [20a], [29], [31b] & [34]

ANNEX B

PROMINENT PEOPLE

BHUTTO, Benazir

Daughter of Zulfikar Ali Bhutto. Went into exile in 1983 following failure of Movement for the Restoration of Democracy. Returned 1986 and demanded, in series of rallies, the resignation of President Zia ul-Haq and holding of general election. In May 1986 elected co-Chairwoman of PPP, along with her mother, Nusrat Bhutto. Benazir elected Prime Minister on 1 December 1988 following November 1988 elections, however, was dismissed by President Ghulam Ishaq Khan in August 1990: she was accused of corruption, nepotism and incompetence. Elected Prime Minister once again on 19 October 1993, at head of coalition government, only to be dismissed again on 5 November 1996. Her party was heavily defeated in 1997 elections. **[1]** Convicted in absentia, along with Zardari, on 15 April 1999. They were sentenced to five years' imprisonment and disqualified from holding public office for up to ten years. 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. **[24j]** 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. **[24k]** However, the Supreme Court said on 27 May 1999 that Benazir's presence in Pakistan was not necessary, allowing her lawyers to appeal. **26h]**

BHUTTO, Murtaza

Estranged brother of Benazir. He and his brother, **Shahnawaz** left Pakistan in 1970s, and, after execution of their father, founded Pakistan Liberation Army, later re-named Al-Zulfiqar Organisation. This organisation was responsible for the hijacking of PIA airliner in March 1981. Shahnawaz found dead in mysterious circumstances in his flat in Cannes, France, 1985. Murtaza returned to Pakistan in 1993, having won a Provincial Assembly seat in Sindh in that year's elections. In 1995, Murtaza established a breakaway faction of the PPP, known as PPP-Shaheed Bhutto Group, charging his sister's government with corruption and misrule. In September 1996 he was killed in a gun battle with police in Karachi. **[1]**

BHUTTO, Zulfikar Ali

Former leader of PPP. Won a majority of the National Assembly seats for West Pakistan in December 1970 elections. Following the civil war which resulted 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 1977. Found guilty of instigating the murder of PPP dissident; was executed 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 UK since 1992 after he and other leaders were declared wanted criminals following violence within 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]**

KHAN, Amanullah

Founder and leader of Jammu and Kashmir Liberation Front. **[1]**

KHAN, Ghulam Ishaq

Former chairman of Senate, took over as president following death of Zia in August 1988; elected president the following December. Dismissed PPP government in 1990 and Muslim League government in 1993. Resigned July 1993, along with Prime Minister Nawaz Sharif, amid growing political crisis. **[1]**

LEGHARI, Sardar

Was Minister of Foreign Affairs in last PPP government, and close to Benazir Bhutto. Elected president of Pakistan in November 1993. Relations with Benazir became strained which culminated in Leghari dismissing the PPP government in November 1996 because of deteriorating law and order situation, severe economic problems and corruption. Resigned 2 December 1997 following power struggle between himself, the Prime Minister, Nawaz Sharif and the Supreme Court. **[1]**

MUSHARRAF, Pervaiz

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. **[14f]**

QURESHI, Moeenuddin Ahmad

Former Executive Vice-President of World Bank, appointed interim prime minister July 1993, until holding of elections in October 1993. Carried out number of important political and economic measures. **[1]**

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

SHARIF, Shahbaz

Brother of Nawaz Sharif. Became Chief Minister of Punjab following the 1997 provincial assembly elections. **[1]** Was also charged in connection with the events of 12th October 1999 with Nawaz Sharif, but was acquitted. **[35f]**

TARAR, Mohammad Rafiq

Current president of Pakistan, sworn in 1 January 1998. A lawyer by training, appointed civil judge in Punjab, then judge of Lahore High Court, where he eventually became Chief Justice before being elevated to Supreme Court. Retired as judge in 1994 and elected to Senate on PML ticket in March 1997. Known as a religious conservative with little previous political experience. Was a close aide of Nawaz Sharif, and comes from Punjab. **[6n]**

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. **[6g]** Pleaded not guilty in October 1998 to Ehtesab Commission's charges of corruption in October 1998. **[6x]** 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. **[24j]** 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 that 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. **[24k]**

ANNEX C

CHRONOLOGY

1947

Independence from British rule; formation of East and West Pakistan as Muslim states. War with India over Kashmir.

1948

Death of Jinnah.

23 March 1956

Pakistan, hitherto a Dominion with British monarch as Head of State, becomes Islamic Republic of Pakistan (with parliamentary form of government).

October 1958

President Iskander Mirza abrogates the Constitution, abolishes political parties and declares martial law. General Muhammad Ayub Khan forces President Mirza to resign and assumes presidency.

1961

Construction begins on new capital: Islamabad.

1965

Ayub re-elected. Second war with India over Kashmir: Pakistan defeated.

1969

General Agha Mohammad Yahya Khan takes over as president and imposes martial law.

1970

General election. Zulfikar Ali Bhutto's PPP wins majority of seats in West Pakistan in National Assembly, but Sheikh Mujibur Rahman's Awami League wins nearly all of East Pakistan's seats and overall majority.

23 March 1971

East Pakistan declares independence. Civil war breaks out; India intervenes in support of Bengalis.

1972

Pakistan surrenders an Bangladesh is formed; Yahya Khan resigns as president and replaced by Bhutto. Pakistan withdraws from Commonwealth.

August 1973

New Constitution comes into effect providing for parliamentary government. Bhutto becomes Executive Prime Minister and Fazal Elahi Chaudry becomes constitutional president.

March 1977

Elections to National Assembly: PPP successful, but accused of electoral malpractice.

July 1977

Bhutto deposed in military coup and martial law imposed with General Mohammad Zia ul-Haq as Martial Law Administrator.

1978

General Zia takes over as president and begins policy of "Islamisation".

April 1979

Bhutto executed, having been convicted of instigating murder of PPP dissident. Zia postpones the promised elections indefinitely.

1980

New martial law orders adopted and opposition suppressed.

1981

Nine opposition parties form opposition alliance: the Movement for the Restoration for Democracy (MRD).

1983

Anti-Government protests in Sindh, led by the MRD, are crushed.

1984

Referendum on "Islamisation" policy. Zia's policies endorsed by electorate (admist allegations of electoral malpractice).

1985

Elections on non-party basis held for National Assembly. Muhammad Khan Junejo of PML (Pagaro Group) appointed Prime Minister at head of largely civilian cabinet.

October 1985

Eighth Amendment to Constitution approved, introducing a powerful executive presidency.

30 December 1985

Martial Law repealed and amended 1973 Constitution restored.

1986

Benazir Bhutto returns to Pakistan from exile and calls for Zia's resignation and holding of free elections.

May 1988

Zia dismisses government and dissolves National and Provincial Assemblies. Zia heads interim administration.

17 August 1988

Zia killed in plane crash.

November 1988

Elections held; PPP form coalition government with MQM.

1 December 1988

Benazir Bhutto appointed Prime Minister. Ghulam Ishaq Khan elected president.

October 1989

MQM withdraw parliamentary support for PPP; Pakistan rejoins Commonwealth.

1990

Maintenance of law and order worsens; economic situation deteriorates and allegations of corruption ensue.

6 August 1990

President dismisses PPP government and declares state of emergency. Ghulam Mustafa Jatoi appointed as interim Prime Minister.

24 October 1990

Elections held: Islamic Democratic Alliance (Islami Jamhoori Ittehad) doubles its representation

in National Assembly.

6 November 1990

Mohammad Nawaz Sharif elected Prime Minister.

May 1991

National Assembly adopts legislation imposing the incorporation of Sharia Law into Pakistan's legal system.

May 1992

"Operation Blue Fox" ("Clean Up") launched, in response to continuing violence in Sindh. The opposition People's Democratic Alliance, led by the PPP, intensifies its campaign of political agitation against Government.

18 April 1993

President dismisses Prime Minister and cabinet, and dissolves National Assembly, accusing Sharif of maladministration, corruption and nepotism. Mir Balakh Sher Mazari appointed as interim Prime Minister.

26 May 1993

Supreme Court orders Prime Minister, Cabinet and National Assembly to be restored to power immediately as President's order unconstitutional. President agreed to honour ruling.

18 July 1993

President and Prime Minister resign and National and Provincial assemblies are dissolved after weeks of political turmoil. Wasim Sajjad Jan takes over as interim President and Moeenuddin Ahmad Qureshi as interim Prime Minister.

6 & 9 October 1993

General election - neither of the two main parties achieve an overall majority.

19 October 1993

Benazir Bhutto becomes Prime Minister, with PPP heading coalition government.

13 November 1993

Minister of Foreign Affairs, Leghari, elected president.

September 1994

Nation-wide general strike organised by Sharif; upsurge in political unrest.

December 1994

Escalating ethnic and criminal violence in Karachi following the end of "Operation Blue Fox" ("Clean Up").

1996

PPP government becomes increasingly unpopular.

September 1996

Benazir Bhutto's estranged brother, Murtaza, killed in gun battle with police in Karachi.

5 November 1996

President Leghari dismisses Benazir Bhutto and her cabinet, and dissolves the National Assembly because of deteriorating law and order situation, the economic crisis, widespread corruption, disregard for judicial authority and violation of various constitutional provisions. Malik Meraj Khaled (who claimed no affiliation to any political party) appointed as interim Prime Minister.

3 February 1997

General Election: only 30-40% of electorate participated. PML (Nawaz) win overwhelming victory.

17 February 1997

Nawaz Sharif sworn in as Prime Minister.

April 1997

National Assembly and Senate vote to repeal major components of 1985 Eighth Constitutional Amendment, thus divesting president of power (amongst other things) to appoint and dismiss Prime Minister.

September - November 1997

Pakistani politics plunges into crisis as power struggle between courts, parliament and president unfolds, raising fears that the army may take over the Government.

2 December 1997

President Leghari resigns.

1 January 1998

Mohammad Rafiq Tarar is sworn in as President.

26 February 1998

Awami National Party end alliance with PML in NWFP. **[24b]**

10 April 1998

Majority of PML (Junejo) merge with the PML (Nawaz). **[24d]**

May 1998

Pakistan and India conduct a series of nuclear tests, provoking almost universal condemnation. International economic sanctions were promptly imposed on both countries. **[24e]**

26 August 1998

MQM resign from its 19-month alliance with PML in Sindh. **[6w]**

October 1998

MQM rejoin its alliance with PML on 24 October **[26a]** - before withdrawing again on 29 October. **[24g]** On 30 October, the Prime Minister dismissed the Sindh provincial government and imposed federal rule. **[24g]**

December 1998

Military courts established in Karachi. **[26e]**

3 January 1999

Prime Minister escapes assassination attempt. **[28a]**

17 February 1999

Supreme Court rules that special military courts set up in Karachi [in December 1998] are illegal. **[26e]**

21 February 1999

'Lahore Declaration': Meeting between Pakistani and Indian Prime Ministers, who vow to take steps to reduce "the risk of accidental or unauthorized use of nuclear weapons". **[19c]**

April 1999

India and Pakistan both test-fire long-range missiles. **[26g]**

15 April 1999

Benazir Bhutto (in absentia) and Asif Ali Zardari convicted of corruption. **[24j]**

May 1999

Large number of armed fighters move from Pakistan into high altitude passes on Indian side of the Line of Control in Kashmir. **[30]**

10 May 1999

Zardari appeals to Supreme Court against corruption conviction. **[24k]**

26 May 1999

India launches two waves of air- strikes in Kashmir to dislodge the 400 reportedly Pakistani-backed Muslim guerrillas. **[30]**

27 May 1999

Supreme Court allows Benazir's lawyers to appeal on her behalf, even though she was outside the country. **[26h]**

11 July 1999

Pakistan agrees with India plan for infiltrators to withdraw from Kashmir. **[26j]**

12 October 1999

General Musharraf overthrows the civilian government of Nawaz Sharif and assumes the title 'Chief Executive'. **[2b]**

16 December 1999

Police register a murder case against Benazir Bhutto and others for allegedly killing two Jamaat-e-Islami workers during a rally in 1996. **[33c]**

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