



## **ASIAN HUMAN RIGHTS COMMISSION**

19 Floor, Go-Up Commercial Building, 998 Canton Road  
Kowloon, Hong Kong . Tel: +(852) 2698-6339 . Fax: +(852) 2698-6367  
E-mail: ahrchk@ahrchk.org . Web: www.ahrchk.net

### **PAKISTAN: The Human Rights Situation in 2006**

#### **An overview of the situation of security and human rights in 2006**

Pakistan remains in the strong grip of a military regime that began in 1999, despite having an “elected parliament” since 2002. This parliament was, however, elected through elections that cannot be considered free or fair and serve only to lend credibility to the military regime. The military controls all policy matters. There are 56,000 army officers in different civil government and corporation positions, including communications, power and educational institutions, according to information released in the National Assembly.

Although the parliament was restored in 2002, the President of Pakistan still wears a military uniform and has no plans to separate the Army Chief's office from that of the President of Pakistan. Appointments to the higher judiciary are made by the president himself – there is no question of the freedom of judiciary.

Pakistan is one of the forefront countries in the “War Against Terror,” and violations of human rights are increasingly being perpetrated as part of operations and the erosion of liberties that this so-called war entails. There is no rule of law in the country and government agencies have a free hand to arbitrarily arrest and torture anyone they wish. Who ever is tortured or killed in custody or in fake encounters are termed by the state as being “terrorists”. Forced disappearances following arrest significantly increased in Pakistan following the 9/11 attacks in the United States. Such an increase in the use of torture by the military agencies has also been witnessed. Even the country's highest civil judicial bodies are not able to search military facilities, even in cases where the existence of torture cells is suspected.

Pakistan is still under a state of emergency, which was declared 1998, under which many basic rights have been suspended, including articles 16, 17, 18 and 19 of the Constitution of Pakistan (1973), which provide for the rights of assembly, and the freedom of association, expression, and movements, amongst others. The state of emergency continues to affect these rights: on October 14, 2006 a government lawyer from Sindh made use of the fact that there is a state of emergency in the country to argue his case before the Sindh High Court concerning a ban on a teachers and professors associations. The state of emergency was passed by the country's previous parliament and the present parliament has not abolished it to date. The judiciary is working under the Army-made Provisional Constitution Order 2000, under which the judiciary were ordered to take an

oath in 2000. Since then the judiciary has not taken an oath on country's constitution despite the parliament and constitution having been restored since then. There are ongoing military operations in two of Pakistan's four provinces, as a result of which at least 3000 persons are known to have been killed since 2001.

The information collected by the Asian Human Rights Commission between January 1, 2006 to November 15, 2006 shows that human rights violations are endemic in the country and are increasing as compared with the previous years. About 415 people were killed in so-called police encounters and in only one case of over a dozen that have been tried in court concerning encounter cases have police officers been arrested, but to date not one member of the police has been sentenced or has any compensation been paid to the victims or their relatives. The Lawyers Committee for Human Rights have reported that 1319 persons have been subjected to torture in 2006, but this likely only represents a portion of the total number of actual cases. Furthermore, some 600 persons are believed to have disappeared during this year following their arrests by the law enforcement agencies.

Separately, according to the information collected by the Human Rights Committee of the Sindh Bar Council and the Lawyers Committee for Human Rights, 878 men and women were killed under the pretext of honour during the year up to September, including over 500 women, the majority of whom were married, and some 20% of whom were minors. Around 2100 women were molested. 3100 children were reportedly sexually harassed or abused. In a further indicator of the insecurity that plagues the country, some 5800 people are reported as having committed suicide owing to unemployment, poverty and depression during the first nine months of the year. In the name of the privatization of government-controlled sectors, more than 15 thousand people lost their jobs during 2006 and several trade unions were banned by the government. An estimated 200,000 fisher-folk also risk losing their livelihood to transnational bidders in ongoing fishing rights auctions. As many as 600 people have disappeared in the country, including workers of religious groups and Baloch political workers, during the year. Some 22 journalists were killed, tortured or disappeared by the state agencies and 91 cases of harassment, threats, attacks and ill-treatment of media workers have been reported during the year. Human trafficking groups have been active, under the nose of state agencies such as the federal investigation agency (FIA), the Pakistan Rangers, the Ministry of the Interior and the Anti-Trafficking Squad). During the first nine months of the year over 15,000 illegal migrants from Pakistan were reportedly deported back to the country. At least 3 FM radio stations and one Television Channel were banned by the government regulatory authority, the PEMRA.

A survey conducted by Action Aid with regard to the October 8, 2005 earthquake-affected areas in the northern parts of Pakistan and Pakistan-held Kashmir revealed that the situations in the cities of Muzafarabad, Balakot, Mansehra, and Bagh have not improved since the previous year. The death toll due to the earthquake was more than 73,000, but, due to corruption and governmental negligence, the death-toll has risen to over 83,000, mainly as a result of malnutrition, non-availability of relief and food, and the lack of shelter and adequate housing. The displacement of poor communities

continued during 2006, with more than 200,000 people having been displaced throughout the country following the forced eviction of more than 40 communities.

According to the Lawyers Committee on Human Rights, about 90,000 prisoners are being detained in 87 prisons around the country that are meant to have the capacity to hold some 38,000 persons.

Pakistan is an elected member of the United Nations Human Rights Council, but its human rights record and respect for its obligations under international instruments to which it is party are both scandalously poor. Pakistan has still not ratified the International Covenant on Civil & Political Rights (ICCPR), the Convention Against Torture (CAT), the Optional protocol to the CAT and the Rome Statute for the International Criminal Court. Pakistan has only ratified the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as having signed the International Covenant on Economic, Social and Cultural Rights in late 2004. It must be recalled that Pakistan is a member of the new United Nations Human Rights Council, and that its failure to have ratified some of the most important human rights instruments should be viewed as unacceptable for a country in such a position.

### **Failings of the judiciary and the scourge of impunity**

The judiciary in Pakistan is directly under the control of the military government and is unable to act independently. The judiciary of Pakistan has not even taken the oath under the constitution, but has instead taken the oath under the Provisional Constitutional Orders (PCO 2000) put in place by the military regime. The members of the judiciary are nominated by military generals, not through the process of recommendation by the now-defunct Judicial Commission, as should be the case.

Due to a lack of independence and to institutionalized corruption, the judiciary in Pakistan only delivers justice for the few - the rich, influential or militarily powerful. In 2000, the current military regime brought in the so-called Provisional Constitutional Order (PCO) which replaced Pakistan's 1973 Constitution. At the time, the Supreme Court and the provincial high courts sanctioned the military government by taking an oath. The oath, which is normally to be taken upon the country's Constitution, was reportedly taken on a blank document. The country's parliament was restored in 2002 and was followed by the restoration of the 1973 Constitution in 2004. However, the members of the judiciary have still not renewed their oaths upon this constitution and, as a result, are acting without a constitutional mandate. During all previous military governments and regimes, the judiciary has repeatedly failed to oppose the military dominance of the judiciary and the operation of military courts. These factors signal the judiciary's subservience to the military and its lack of intention to act to uphold the constitution.

There are more than 15,000 cases pending before the Supreme Court of Pakistan, the country's apex court. Beyond this, an estimated one million cases are pending in the over 3,500 other courts around the country. Besides these courts, there are Anti-Terrorist Courts in each district of Pakistan. Sharia Courts are also functioning parallel to ordinary courts in country, giving the country a dual legal system, which results in many violations of individuals' rights. The disposal of cases in the country is extremely slow, giving rise to the accumulation of cases before the courts and the inability of the judicial system to deliver justice in an acceptable and timely manner. The disposal of ordinary cases takes a minimum of five to six years in Pakistan's courts. If the cases go through the appeals process, they can take as long as 20 to 25 years, as each appeals court takes six to seven years to decide, and there are three to four such stages before reaching the Supreme Court.

The AHRC continues to receive an increasing number of reports of cases of torture, forced disappearances and extra-judicial killings taking place in Pakistan. The perpetrators of these acts continue to enjoy near-total impunity for their actions. For example, the Inspector General of prisons in Sindh province was allegedly responsible for the torture to death of five high profile prisoners in Karachi in 2005 and 2006, but, despite credible evidence of his responsibility and many complaints from prisoners' families, he has not even faced judicial questioning. He has since been killed by unknown persons.

In another example of a high profile case, Mr. Mir Murtaza Bhutto, the head of a major political party - the Pakistan Peoples Party - who is also the son of former Prime Minister Mr. Zulfikar Ali Bhutto, was allegedly killed along with several friends by members of the Karachi police in a fake encounter, but no police officer has been punished. The case of Mir Murtaza Bhutto's killing has been pending in court since 1996 without a decision as yet. The allegedly involved police officers have not been suspended and some of them have even been promoted to high-level posts. The Federal interior minister stated in December 2005 in the National Assembly that over 4000 persons have been detained in Balochistan province (since 2002). However, of this number, less than 200 persons have been presented before the courts, meaning that the remainder are being detained incommunicado. The military's detention facilities are effectively off-limits and the judiciary lacks the ability or will to gain access to persons being detained there. Even when family members or witnesses identify members of the authorities as having carried out human rights violations, the courts generally take the government's denial statements as sufficient evidence for the disposal of cases. Despite the high number of cases of various very grave abuses, no law enforcement or military personnel have been punished for their actions. Impunity is a key factor in enabling the ongoing violation of human rights violations and the judiciary bears significant responsibility for this situation. Please see the following statements on the judiciary for further details – AS-188-2006<sup>1</sup> and AS-181-2006.<sup>2</sup>

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<sup>1</sup> <http://www.ahrchk.net/statements/mainfile.php/2006statements/683/>

<sup>2</sup> <http://www.ahrchk.net/statements/mainfile.php/2006statements/662/>

## **Forced disappearances**

Article 10 (1) of the Constitution of Pakistan states that, "No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice". Article 10 (2) states that, "Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest". Similarly, section 61 of the Criminal Procedure Code provides that "no police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court". Section 167 does allow the police to detain in custody a person arrested without warrant for a term not exceeding 15 days "where the investigation cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded". However, the officer-in-charge of the police station or the police officer making the investigation must still transmit to the nearest Judicial Magistrate a copy of the entries in the diary relating to the case, and shall at the same time forward the accused to such a Magistrate. Further, the law permits a deputy commissioner of a local district to order the detention without charge for 30 days of persons suspected of threatening public order and safety. The deputy commissioner may renew detention in 30-day periods, for up to a total of 90 days.

There are thousands cases of disappearances and killings. In the south-western province of Baluchistan, more than 4000 people have been disappeared since a military operation started in 2001. The interior minister informed the parliament on December 5, 2005 that 4000 persons had arrested in Baluchistan but until now not one of these persons has been produced in any court. The military intelligence agencies, such as the ISI, are reportedly arresting people and keeping them in military torture camps, and their whereabouts are not being disclosed.

More than 1000 people have disappeared in the North Western Frontier Province (NWFP) of Pakistan under operations carried out as part of the "War Against Terror" since 2001. In addition to this, the government of Pakistan is known to be supporting terrorists, including members of the Taliban, following an agreement made with the latter group in July 2006.

As mentioned previously, during 2006 more than 600 cases of disappearances have been recorded following arrests by the law enforcement agencies. Their whereabouts remain unknown and the higher courts are unable to trace their whereabouts as they lack the power to search military places of detention. The AHRC urges the Pakistani authorities to ensure that courts are able to gain access to military detention facilities when investigating cases of disappearance.

An example of forced disappearance can be seen in the following cases (AHRC Urgent Appeal UG-003-2006<sup>3</sup>):

Mr. Munir Mengal, the management director of Baloch Voice, a Balochi-language television station based in Bahrain, the United Arab Emirates, went missing after arriving in Karachi, Pakistan from Bahrain on April 7. His family alleges that he was arrested by the military intelligence officers at the airport. Mr. Mengal's wife Mrs. Aziza Mengal said that the victim went to Karachi to recruit technical staff for a TV station, which was scheduled to start its broadcast from Bahrain on June 16. Mr. Mengal's whereabouts remain unknown. Reporters Without Borders showed its concern about Mr. Mengal's disappearance saying "Launching a TV station for 10 million Balochi in Pakistan and other parts of the world cannot be considered a crime." Due to the ongoing military operations in Balochistan, the Government of Pakistan has severely restricted Balochi people's right to access information. Mr. Ghulam Mohammad, a staff of the Balochistan National Movement said, "When Pakistan has electronic channels of each language, why are Balochis denied to have their own channel?"

This is not an isolated case. There have been several reported disappearance cases in Balochistan. In some cases, the courts ordered that the disappeared be produced before the courts, but these orders were ignored by the military. Some other disappearance cases are described below:

Mr. Samiullah Baloch, the brother of Senator Sana Ullah Baloch from Balochistan was arrested on July 16, 2006 with a younger brother and both were taken to a military camp in Quetta, the capital city of Balochistan province. The military released the younger brother and sent a message through him that if the family wanted Mr. Sami Ullah Baloch to be released they should produce Senator Sana Ullah Baloch before the military. The younger brother reported this to the family and media and added that both brothers were kept blind-folded and were tortured during his detention. The whereabouts of Mr. Samiullah Baloch remain unknown to date.

Dr. Haneef Shareef, a prominent poet and writer in the Balochi language has disappeared after being picked up by military intelligence officers in Turbat, Balochistan on January 15, 2006. His whereabouts remain unknown. Dr. Shareef has written articles and poetry regarding the poor economic and social conditions of the people in Balochistan. Desperate to learn of Dr. Shareef's whereabouts, his mother and relatives have staged a hunger strike in front of the Karachi Press Club for over 40 days.

Mr. Asghar Bangulzai, a political activist in Balochistan, has been disappeared for the last five years, since he was abducted by law enforcement agencies on October 18, 2001 in Quetta, the capital city of Balochistan. His young children and relatives have reportedly staged a hunger strike for one year in front of the Quetta Press Club.

Mr. Hafiz Saeed Ahmed was also allegedly abducted by law enforcement officers in 2002 in Quetta. His family members have also reportedly been on hunger strike.

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<sup>3</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1666/>

Mr. Rauf Sasuli, a member of the central committee of Jamhoori Watan party has been missing since February 2, 2006. Mr. Salim Baloch, the vice-president of the same political party, has been missing since March 10, 2006. He was arrested by the police after holding a demonstration in front of the Karachi Press Club.

Seven members of the Baloch Students Organisation (BSO), including its president, Mr. Imdad Baloch, were taken by law enforcement officers in March 2005 and detained in a secret place in Punjab province, where they were severely tortured. Three months later, three students including Mr. Imdad Baloch, who were suffering from severe medical conditions at the time, were surfaced and thrown on the street in a remote area in Dera Ghazi Khan District, Punjab province. They later told their families and the media that military officers had tortured them while asking for information about the Balochistan Liberation Army, which the students claim they knew nothing about. Meanwhile, the remaining four students are still missing and their families fear that they have been killed as a result of the torture inflicted on them.

On May 16, 2006, two activists from the Jeay Sindh Quomi Mahaz nationalist political party were arrested by a group of six to eight officers in civilian clothes at 7.30 pm near the Sarmad Hotel, Chandia Goth. Several witnesses were present and enquired about the arrest, the officials declared that they were from the Qaisabad Police and that Mr. Sikander (alias Aakash Mallah, son of Mohammad Siddiq and resident of B3 Maari Garden Qasimabad) and Mr Manjhi Khan (son of Dhani Bux and resident of Chandia Goth near Happy Homes Qasimabad) were wanted for investigation relating to demonstrations against the construction of the Kala Bagh Dam. Four people amongst the crowd followed the police vehicle and found that the two activists were being taken to the Hyderabad Sindh, a renowned military cantonment used for torture and killings. Since the incident, the two activists have not been seen and the Qasimabad Police has denied all knowledge of the arrest. Since May 2006 both these persons remain disappeared and the Sindh High court has shown its inability to ensure their recovery from military custody.

Twelve people belonging to the Shia'te sect of Islam have disappeared following their arrest in Karachi. The government, however, is denying having ever arrested these people. The government, it is feared, will try to implicate the Shia community in the suicide bombing that took place on April 11, 2006 at Nishter Park, where 49 people were killed during a large religious gathering of Sunni sect followers. In doing this, the government has, since April 24, arrested more than 12 people from the Shia community, who have now subsequently gone missing. Many others have had to go into hiding to avoid the same fate. Critics of the government claim that it has made these arrests as it was unable to capture and arrest the real culprits of the bombing, yet wanted to be seen as acting in this case by the Sunni sect. Fears are that those arrested and currently disappeared will be pressured through the use of torture to confess to their involvement in the bombing. There are several cases by victims' families against the Pakistan Army before the Sindh High Court claiming that these persons are in the custody of the army and are being held in a torture cell in Karachi, some 1.5 kilometres from the governor's house, but the court has again shown its inability to do anything about this situation.

## **The case of Abdul Rahim Muslim Dost**

Afghan national Abdur Rahim Muslim Dost was arrested without a warrant on September 29, 2006 in Peshawar. His whereabouts remain unknown and he is at risk of being subjected to torture or summary execution, as is the case with all disappeared persons. His disappearance is thought to be due to his criticism of Pakistani agencies which had earlier arbitrarily arrested, detained and unlawfully transferred him and his brother to US custody.

According to an Amnesty International report,<sup>4</sup> the Pakistani government has systematically committed human rights abuses against hundreds of Pakistanis and foreign nationals as part of its cooperation with the US in the "War on Terror". As the practice of enforced disappearance has spread, people have been arrested and held incommunicado in secret locations with their detention being officially denied. They are at risk of torture and unlawful transfer to third countries. "The road to Guantanamo very literally starts in Pakistan," said Claudio Cordone, Senior Director of Research at Amnesty International. "Hundreds of people have been picked up in mass arrests, many have been sold to the USA as 'terrorists' simply on the word of their captor, and hundreds have been transferred to Guantanamo Bay, Bagram Airbase or secret detention centres run by the USA."

The routine practice of offering rewards running to thousands of dollars for unidentified terror suspects has facilitated illegal detention and enforced disappearance. Bounty hunters -- including police officers and local people -- have captured individuals of different nationalities, often apparently at random, and sold them into US custody.

More than 85 percent of detainees at Guantanamo Bay were arrested, not by US forces, but by the Afghan Northern Alliance and in Pakistan at a time when rewards of up to US\$5,000 were paid for every "terrorist" handed over to the USA. Often, the only grounds for holding them were the allegations of their captors, who stood to gain from their arrest. Some 300 people -- previously labelled as "terrorists" and "killers" by the US government -- have since been released from Guantanamo Bay without charge, the majority to Pakistan or Afghanistan.

But still there are 450 prisoners in Guantanamo Bay and most of them arrested from Pakistan and are Pakistani citizens.

Khalid Mehmood Rashid, a Pakistani national, was handed over to Pakistani officials in South Africa on November 6, 2005 and flown to Pakistan. He has not been seen since. Despite official acknowledgements that he is being held by the Pakistani government, the Ministry of the Interior has not responded to his family's inquiries as to where he is being held.

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<sup>4</sup> <http://web.amnesty.org/library/index/engasa330512006>



Engineer Atiq ur Rehman, a scientist at the Pakistan Atomic Commission has been missing since two years, following his arrest. The mother of the missing engineer filed a petition before the Punjab High Court Rawalpindi Bench and on July 22, 2006, the bench was unable to locate his whereabouts as the military intelligence agency, known as the ISI, and the Ministry of the Interior told the court that the engineer is not being detained by them. The father of the engineer told the court that ISI officials had informed him that his son was being detained by the ISI and that he was soon to be released. His parents began making arrangements for his marriage, but he is still missing.

### **Cases of violence and rights abuses against media workers and organisations**

Journalists are prime targets of the military regime; several have been arbitrarily arrested, tortured, forcibly disappearance or subjected to extra-judicial killing by members of the armed forces. The latest case of abduction and torture is that of Mr. Dilawar Khan Wzir from Rawalpindi, Islamabad, who works for the BBC. He was abducted on November 20, 2006, allegedly by army intelligence personnel in plain clothes. He was kept blind-folded for 30 hours and was severely tortured. After international pressure and protests from journalists throughout country, and opposition parties in parliament, he was thrown into a forest still bearing torture marks. The kidnappers reportedly asked how he had received information about a US missile attack in Bajour on 30th October, and about his sources in the area. He was told not to tell anybody that he was in custody of the military intelligence. His younger brother had been kidnapped and murdered on August 30, 2006. Prior to that, he had been the target of two separate bomb explosions: at his house and at a primary school. For further details, please see AHRC Urgent Appeal UA-381-2006.<sup>5</sup>

A Bangkok-based Pakistani Television channel, the Sindh TV's transmissions were stopped on November 20, 2006 by the government, which instructed cable operators not to transmit the station's content, as the channel was very critical of the government.

Mr. Saeed Sarbazi of the Karachi Daily Business Recorder was abducted on September 20, 2006 by armed members of the Military Intelligence, when he was going to his office. The people who followed the vehicle in which he was being taken, witnessed it entering the Malir Cantonment, a place known to be a place in which torture is used. He was kept blind-folded for five days in the camp and was severely tortured. The military wanted to know about his connections in southern province of Balochistan, where the Pakistan Army has been conducting military operations since 2001. After protest from journalist community and political parties, he was released but was told by his captors not to inform anyone about his custody or treatment, otherwise his family would suffer the consequences.

According to Monthly 'Media Freedom Report' issued by Intermedia, in September, 15 incidents of violations against media were recorded throughout Pakistan, taking the total number of attacks on the press in 2006 to 88. In September one journalist was killed, four were tortured, three journalists were illegally detained by police or intelligence agencies,

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<sup>5</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/2091/>

while two journalists received death threats, the report said. It also added that the continuous trend of violations against the media has turned working conditions for journalists from bad to worse. It said that journalists' organizations are concerned about this dangerously increasing trend and media persons are under continuous threat.

Extra-judicial killings: in an incident that took place in Dera Ismail Khan (NWFP), journalist Maqbool Hussain Siyal, the bureau chief of the Online News Agency, was shot dead on September 14. He became the third journalist to be killed this year. Earlier, Hayatullah Khan in the Federally Administered Tribal Area and Mansoor Ahmed Mangi in Sindh were killed. Furthermore, Haytatullah Khan's cousin was found dead on September 22, after being kidnapped by unidentified persons.

On June 15, 2006 journalist Mr Hayat Ullah's bullet-riddled body was found after he was picked up by the military on December 5, 2005. The same day that his body was found, government officers had reassured his family that they would soon hear good news. According to his family members, Hyat Ullah was kept in a military torture camp in South Waziristan and his body was found to have many signs of torture besides the bullet wounds on his back. Other examples can be found at: UA-169-2006<sup>6</sup>; UA-132-2006<sup>7</sup>; UG-003-2006<sup>8</sup>; UA-49-2004<sup>9</sup> and FA-05-2003.<sup>10</sup>

Torture: in Lahore three journalists - Wadood Mushtaq (ARY), cameraman Nazir Awan (ARY) and Zahid Malik (ATV) – were tortured by the police at a religious congregation at Minar-e-Pakistan on September 17. Media reports say that all the three journalists received multiple fractures and Deputy Superintendent of Police (DSP) Mukhtar Shah was directly involved in beating them. Two other journalists, Mousa Khan from Mingora (NWFP) and Ashfaq Khoso from Sukkur (Sindh) were attacked by unidentified armed persons and were severely injured on 7 and 23 September respectively. Senior journalist C.R. Shamsi was beaten up by the private guards of the Minister for Labour and Manpower, Ghulam Sarwar Khan, on his instructions within the Parliament premises on September 13.

Mr Mukesh Rupeta, a reporter for Geo Tv and Mr Sunjay Kumar, a cameraman, were arrested by the military in March 2006, since which time their whereabouts remained unknown until, three months later, they were finally produced in court on June 22, 2006. According to their family members they were so severely tortured that both were nearly unable to speak or move.

**Arbitrary arrests:** Data compiled from reports in the national media show that in September alone, the police and intelligence agencies illegally arrested three journalists - Rafiq Ajiz, editor of local daily 'Chamag' from Turbat (Balochistan), Abdul Sattar Khan

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<sup>6</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1750/>

<sup>7</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1675/>

<sup>8</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1666/>

<sup>9</sup> <http://www.ahrchk.net/ua/mainfile.php/2004/675/>

<sup>10</sup> <http://www.ahrchk.net/ua/mainfile.php/2003/429/>

from Chiniot (Punjab) and Saeed Sarbazi from Karachi (Sindh – case details mentioned above).

**Harassment:** the Islamabad Police reportedly falsely implicated senior The News correspondent Shakeel Anjum in a triple murder case. The Station House Officer (SHO) of Shehzad Town police station in Islamabad, Inspector Idrees Rathore, included Shakil's name in the FIR (No 326, Sept 16, 2006), lodged in the case under sections 302, 324, 148, 149, 427, 109 of the Pakistan Penal Code and sections 6 and 7 of the Anti-Terrorism Act. It was clearly an act of vengeance against the reporter, who had been filling stories highlighting the incompetence and inefficiency of the police.

Two journalists, Haroon Rashid of the BBC World Service Urdu service, and Iqbal Khattak of the Peshawar-based Daily Times, were detained for two hours on January 14, 2006 as they were about to file their stories from Khar, the central city of the Bajaur Agency, a federally administered tribal area. They had earlier visited houses destroyed by a missile and covered a demonstration in Khar against US attacks. The two journalists were taken to the Bajaur Agency local administration office and told to hand over their materials. The political administrator told them that the media were being expelled that evening. On the same day, the authorities confiscated film from a cameraperson working for US television news agency APTN, after he had filmed the destroyed houses. When BBC correspondent Haroon Rashid wanted to return to the area on January 16 for further work, the crew was stopped at the entry point to the Bajaur Agency. Personnel at the checkpoint told them that there were clear orders that no journalists were to be allowed into to area. On contacting the Federal Information Minister on January 17, a journalist was told to “talk to the military” about access to the region.

**Media closures:** the government of Punjab on September 17 issued “verbal directives” to cable operators in the province to stop airing ARY Digital television network transmissions. These include ARY Digital, ARY Pakistan, ARY India, ARY Asia, ARA One World, QTV, The Muzik and the City Channel. The Punjab government issued the instruction when ARY repeatedly screened a scene in which journalists were beaten by the police in Minar-e-Pakistan. However, transmissions were resumed after a week. On September 26, cable operators of Taxila, Wah Cantt complained that the police had forced them to halt transmissions of the ARY TV network, and there was no ARY broadcast in Taxila, Hassanabdal and Wah Cantt on September 26 and 27.

The NWFP government on September 24 through a notification asked all the cinema houses in the province to close down during the month of Ramadan. The cinema owners said that government had forced them to accept the decision.

On August 23, the Pakistan Electronic Media Regulatory Authority (PEMRA) rejected a request for a renewal of license by the management of Mast FM 103 Balakot (NWFP) and ordered the immediate closure of the radio station's transmission without giving any reason. However, the PEMRA has extended the temporary broadcasting licenses of all other FM radio stations operating in the area. The AHRC believes that the FM 103 license was not renewed because of its program that criticized the alleged misuse of funds

allocated for the rehabilitation program carried out by government agencies in the earthquake-affected areas, especially the Earthquake Relief and Rehabilitation Authority (ERRA).

**Disappearances:** Mr. Mengal, the managing director of a Balochi language television channel was arrested by the military intelligence on April 7, 2006 and his whereabouts remain unknown to date.

Mr. Asif Baladi a Peace Publishing House publisher was arrested by armed men on June 13, 2006 and since then he has been missing. The car of a serving Army Brigadier was reportedly used in kidnapping of publisher.

### **Military operations in the southern province of Balochistan**

Throughout the year, there have been continuous military operations in the south western province of Balochistan. These began in 2001, and have been the source of numerous grave human rights and humanitarian law violations. There are numerous reports of the use of F-16 aircrafts and helicopter gunships against civilians. As the result of the Pakistan Air Force's actions against the civilian population, many people have been killed and more than 200,000 persons have been internally displaced to different provinces and districts in the country. According to the international media, more than 3000 people have been killed, including children and women, by the indiscriminate bombardments and direct firings on the citizens by the Pakistan Air Force and the Pakistan Army. Please see AHRC statement AS-204-2006<sup>11</sup> issued on September 1, 2006 for further details.

The killing of renowned politician Sardar Akbar Khan Bugti and 37 of his supporters in a mountain hideout by the Pakistan military on August 26, has thrown the country into turmoil, with further degradation of the situation only likely to be averted if there are intense international and national efforts to resolve the crisis. Sardar Akbar Khan Bugti was a former chief minister, senator, member of the National Assembly and Chairperson of the Jamhoori Watan party. As the news of the killings in Balochistan has spread, so too has violence against the administration, and between communities. The country now faces the prospect of outright war between the armed forces and the people of Balochistan, not to mention leaders and peoples in other provinces who now believe that the government deals with dissent only through bloodshed.

Although the conflict over Balochistan goes back to the time of independence, the current crisis is a direct consequence of the October 1999 military takeover. In 2001, the Pakistan Army began operations in the province that provoked armed conflict. Since then, more than 4000 persons are estimated to have disappeared following arrest in this province alone. In January 2005, when an army officer was alleged to have raped a doctor working in Sibi, Pakistan's President reportedly used his influence to save the accused man by bombarding the area, killing several people and forcing evacuations. On other occasions, the air force has been used to bomb the people of Balochistan into submission. The

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<sup>11</sup> <http://www.ahrchk.net/statements/mainfile.php/2006statements/715/>

primary reason for all of this is, of course, the province's rich resources, as it supplies some 40 per cent of the country's natural gas.

Since the latest killings, Balochistan has been cut off from the world. In response to the violent reaction of thousands of alienated and frustrated youths, more than 1000 people were reported to have been arrested in the last few days of August 2006, with about a dozen persons having been killed. Four cities - including Quetta, the provincial capital - have been placed under indefinite curfew after the killing of the Baloch leader. The provincial government has all but ceased operations. Law enforcement is in the hands of the military. Soldiers are also reported to have been stationed at hospitals. The federal government has suspended train services to the province. The highways were initially closed by the government, and have now been blockaded by angered local people.

Balochistan is in serious danger. Curfews, check points and blockades are all obstacles to the movement of much-needed foods and medicines. The consequent suffering to the entire population is only further exacerbating anti-government sentiments. And under the cover of darkness and with transport links cut, the security forces are free to do as they please without fear of immediate consequences. The vacuum following the chaos is also being quickly filled by inter-communal violence.

Pakistan too is in serious danger. More than 200,000 people from the province are already believed to have fled into neighbouring provinces due to the ongoing conflict there. The latest incidents are expected to cause a rapid upsurge in their numbers especially in Sindh, provoking further instability. Meanwhile, provincial assemblies and regional leaders have learnt the lesson that when the stakes are high, the only diplomacy known to the federal government is by way of F-16s and helicopter gunships.

And South Asia is in serious danger. Some commentators are talking of a repeat of 1971, when the war with East Pakistan, now Bangladesh, caused the loss of around a quarter of a million lives and countless needless atrocities. Under the current circumstances, an outbreak of massive hostilities is conceivable. Some fear that India could take advantage of the looming instability in Pakistan and provoke a new disastrous war between the two big rivals; alternatively, current and retired military officials who have themselves blamed India for the militancy in Balochistan may find a pretext to launch attacks against India of their own accord. Whatever the case, large-scale conflict over Balochistan will undoubtedly have profound negative effects on the entire region: including the frontline of the much-vaunted "global war on terror" there.

Balochistan is the main affected province of Pakistan in terms of forced disappearances after arbitrary arrest. It is the general practice of the military intelligence agencies to arrest people and then shift them to military torture camps, while announcing that they are not being detained by the police or the military. Many people who have been released after between 6 to 12 months from military camps are revealing that they were physically tortured and kept blind-folded for lengthy periods, and were transferred from one place of detention to another.

## **Further turmoil and abuse - US involvement in civilian deaths**

There is grave situation in northern areas of Pakistan bordering Afghanistan where, in the name of "War against Terror" massive and widespread violations of human rights, notably the right to life, are being perpetrated, not only by the Pakistan military government but also by US forces. Over 1000 persons are missing since September 11, 2001 and thousands of civilians have been arrested and transferred to different military camps.

18 people were killed on January 13, 2006, when missiles were fired into three houses, where a marriage ceremony was taking place, in Damadola, Bajaur Agency. Reports indicate that "Hellfire" missiles were fired from an unmanned Predator drone probably operated by the CIA. Their intended target appears to have been Ayman al-Zawahiri, a high ranking al-Qa'ida operative, who was not reportedly amongst the dead. In a letter Amnesty International said that it was concerned that a pattern of killings carried out with these weapons appeared to reflect a US government policy condoning extrajudicial executions. Amnesty International reiterated to the US President that extrajudicial executions are strictly prohibited under international human rights law. Anyone accused of an offence, however serious, has the right to be presumed innocent unless proven guilty and to have their guilt or innocence established in a regular court of law in a fair trial.

US forces and the Pakistan Army again used the Hellfire missile to attack the civilian population in Bajaur, close to the Afghan border, on October 30, 2006, killing 82 persons, mostly children who were students studying in a seminary that was targeted in the attack. Three days later, a bomb exploded in a military training camp, killing 40 young trainees, in what is believed to be a reprisal attack. Please see below AHRC's statement, AS-272-2006,<sup>12</sup> on the US aerial bombardment on civilians in Bajaur.

## **PAKISTAN: International intervention urgently needed into Damadola killings**

The Asian Human Rights Commission (AHRC) is shocked by the October 30 air attack on a religious school that reportedly killed 82 persons at Damadola, near Khar in the Bajaur tribal district on the border of Pakistan and Afghanistan.

There are many serious questions arising from the attack. Among them, the two most pressing are:

1. Who ordered it and who carried it out? Although the Pakistan army has claimed responsibility, eyewitnesses have been quoted as saying that unmanned United States aircraft fired missiles at the school compound before Pakistani helicopters arrived. The government of North-West Frontier Province, where the attack occurred, was not even

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<sup>12</sup> <http://www.ahrchk.net/statements/mainfile.php/2006statements/805/>

informed about it in advance and its assembly has unanimously condemned it and called for compensation to the victims' families.

2. Who in fact was killed? Major General Shoukat Sultan of the Pakistan armed forces said after the attack that those killed were all militants training for suicide attacks. The president, General Pervez Musharaff, the next day justified the attack before diplomats and scholars from abroad, saying that none of the persons killed were innocents. However, the AHRC has received the reports from local authorities, politicians and media personnel that the persons killed were all 10 to 25 years old, most under 20, and were simple seminarians.

The only way to answer these questions is through immediate independent inquiries. As all institutions in Pakistan are compromised by the military government and its interests, and as this may be an international incident if US-guided weapons were involved then these must also have international involvement and be subject to outside scrutiny.

The Asian Human Rights Commission therefore calls for the composition of an independent judicial inquiry within Pakistan at the highest levels with the authority to launch legal investigations and proceedings into the incident where criminal wrongdoing is uncovered.

The AHRC also calls for the UN Secretary General, UN High Commissioner for Human Rights, UN Human Rights Council and UN Special Rapporteur on extrajudicial executions all to take special interest in this incident with a view to also establishing an international inquiry into the incident and monitoring the actions of the government of Pakistan to determine whether they are aimed at revealing or concealing the truth.

Finally, the AHRC calls for free access to be given to journalists, human rights defenders, and other concerned persons within Pakistan in order that they may verify the facts for themselves.

What happened at Damadola? Both the people of Pakistan and the world demands to know.

Separately, three journalists were killed by Army intelligence agencies and several other journalists have been taken to Guantanamo Bay. The two brothers of a journalist have also been targeted to punish him. During this year, four journalists were abducted by militants and were tortured and threatened not to report their activities - two of them still are in Afghanistan.

### **Torture and disappearances following arrest**

Torture is routinely used in Pakistan by civilian law enforcement agencies, military personnel, and intelligence agencies. While acts of torture by the police are generally aimed at producing confessions during the course of criminal investigations, torture by

military agencies primarily serves to frighten a victim into changing his political stance or loyalties or at the very least to stop him from being critical of the military authorities. Suspects are often whipped to the point of bleeding, severely beaten, and made to stay in painful stress positions.

Pakistan is a signatory to the UN Human Rights Charter and according to Article 5 of the Charter: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

The Constitution of Pakistan explicitly prohibits torture under article 14 (2), which provides that "No person shall be subjected to torture for the purpose of extracting evidence". Further, under the Qisas and Diyat Ordinances, the causing of hurt by any person to extort "any confession or any information which may lead to the detection of any offence or misconduct" is defined as a distinct punishable offence. Similarly, article 337 k of the Pakistan Penal Code states, "Whoever causes hurt for the purpose of extorting from the sufferer, or any person interested in the sufferer, any confession or any information which may lead to the detection of any offence or misconduct, or for the purpose of constraining the sufferer, or any person interested in the sufferer, to restore, or to cause the restoration of, any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security shall, in addition to the punishment of qisas, arsh or daman, as the case may be, provided for the kind of hurt caused, be punished, having regard to the nature of the hurt caused, with imprisonment of either description for a term which may extend to ten years as ta'zir."

Abuses by Pakistani military and civilian authorities against political opponents of the government - including extrajudicial killings, disappearances, torture and arbitrary arrests - have also increased dramatically under Musharraf's rule. Pakistan's military and its intelligence agencies have tortured and forcibly disappeared scores of people in the volatile south-western province of Balochistan, where the government has confronted an armed rebellion by tribal militants operating under the umbrella of the Balochistan Liberation Army. In Pakistan's Federally Administered Tribal Areas, an aerial attack by the military on October 30 in the town of Khar in Bajaur Agency killed 82 people, including several children. According to local and international media sources, a military spokesman claimed the dead were all militants and rejected calls for an independent investigation.

During 2006, as mentioned previously, an estimated 1319 people were reportedly tortured by the law enforcement agencies. According to the report of Human Rights Commission of Pakistan more than 1000 persons were tortured in 2005.

Pakistan's military government is in fact increasing its use of torture and military confinement of civilians. 'Torture cells' are generally found in cantonments and other military controlled areas in the country. In Karachi and Quetta these cells are under the control of the Corp Commanders. Only Inter Services Intelligence and Military Intelligence personnel are allowed to visit these cells. Military methods of torture include



forcing detainees to dance naked before an audience for several hours, forcing them to do push-ups the entire night, putting rats in their pants or pyjamas, forcing them to listen to audio and video cassettes of other torture victims, as well as stitching their lips together.

It is common practice in Pakistan for arrested persons to be subjected to physical and mental torture in order for the police to obtain a confession, other information, and extort money. Methods of torture used by the police include beating with fists, legs, wooden sticks or a piece of reinforced leather and burning the victim with cigarettes. In fact, police and law enforcement agencies are conditioned to think that it is their duty to torture suspected criminals.

For further information, please see AHRC's statement, AS-154-2006,<sup>13</sup> on torture in Pakistan, issued on the international day against torture on June 26, 2006.

### **Examples of torture in Pakistan**

1. 28 year-old Mr. Saqib was found dead in custody at Naseerabad police station, Lahore on August 16, 2006 after having had an argument with police guards at the Model Town Court. The police guards beaten him with chains and injured him with sharp knife. He was an under-trial prisoner for the previous two years in a dacoity (robbery) case.
2. On September 26, 2006, Mr. Mohammad Asif, who was sentenced to death in a murder case, was allegedly severely tortured by police in Adialla jail Rawalpindi. When his condition deteriorated, he was moved to the prison hospital. The prison authorities were reportedly reluctant to move him to a civil hospital because the torture marks he bore. During the night, his condition worsened, and he was then moved to the Rawalpindi district hospital where he died from his injuries. The case is currently before a civil court.
3. One Mr. Gulistan Khan, a suspected robber, was tortured to death by two police officers from Shahzad Town Police Station on September 26, 2006. A person accused of robbery in 2004 had subsequently named Mr. Gulistan as his accomplice, following which he was tortured in order to get a confession, as a result of which he died.
4. Mr. Hassam Gichki, a close relative of opposition political party leader, Mr. Atta ullah Mengal, was tortured to death in Karachi Central Prison in January 2006. The Sindh High Court ordered a judicial inquiry that established that the prison authorities were responsible for Mr. Gichki's death. The high court ordered the arrest of those responsible, but since January to date no arrests have been made.
5. Amjad Hussain, a worker in Pindigheb, filed a complaint with the District Session Judge (DSJ) on May 23, stating that he was detained illegally and physically

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<sup>13</sup> <http://www.ahrchk.net/statements/mainfile.php/2006statements/605/>

assaulted by head constable Wajid Khan and constable Munir of the Pindigheb police post on May 18, without any reason. Five days later, his condition deteriorated and the police set him free by taking a bribe of Rs 2,500. When the victim approached Pindigheb town headquarters hospital for treatment and medical examination, he was barred from there by police officials. District and sessions judge Attock directed the district police officer to initiate departmental action against two Pindigheb police officials, for illegally detaining and torturing a low-paid government employee. He also ordered the judicial magistrate to take legal action, as per the law, against the policemen and submit a report to him.

6. The Supreme Court on May 26 directed District Police Officer Sanghar to ensure the arrest of four police inspectors for running private torture cells in various parts of the district. The Sanghar police presented a report giving an account of the efforts made concerning the arrest of seven police officers. According to the report, Adam Khan Baloch (constable), Zulfiqar alias Kala (head constable), Rahmatullah (head constable) and one civilian Muhammad Yosaf have been arrested so far. While AHRC welcomes the arrests, it remains concerned that these police officers will likely not be brought to justice for their acts, as in many such cases in Pakistan, police officers are frequently released and even promoted in due course, as was the case in the infamous murder case of Mir Murtaza Bhutto, the son of former Prime Minister Bhutto, in which high level police officers were initially arrested, but later released and promoted to the highest levels. Impunity remains a significant problem in the country. Simple suspensions from office or even arrests for short periods of time cannot represent adequate punishment of State-actors that have committed gross abuses.
7. Muhammad Sharif, a suspected murderer, was allegedly tortured to death by Musafirkhana police station officials, in Bahawalpur on May 18. The deceased's uncle said that Sharif, along with two of his cousins - Ghulam Hassan and Ghulam Mustafa - was taken into custody by the Musafirkhana police following a complaint by Muhammad Aslam. Sharif's cousins Ghulam Hussain and Allah Rakha alleged that the three suspects were tortured during investigation by police officials, as a result of which Sharif died. His body was brought to the Bahawal Victoria Hospital mortuary for a post-mortem. When contacted, police officials denied the charge and alleged that Sharif had committed suicide by slitting open his throat with a razor.
8. Khawja Saad Rafique, a member of the Pakistan Muslim League, Nawaz Sharif Group and the National Assembly) has stated that on the night of May 15, Sub-Inspector (SI) Shafique along with some other policemen forcibly moved him from Sarwar Road police station to the Qila Gujjar Singh Investigation Headquarters, Lahore. He alleged that Investigation Senior Superintendent of Police (SSP) Chowdury Shafqaat, SI Muhammad Shafique along with other police officials subjected him to severe torture for five hours in a torture cell. He added that they abused him and forced him to keep standing for more than five hours. While torturing him physically and mentally, he said they pressed him for

the recovery of a rifle. Later he was moved to Gulberg police station. He claimed that a Superintendent of Police (SP) approached him in the Gulberg police station and apologized for the police torture. A Lahore Investigation Police spokesperson denied the torture charges and said that MNA Saad himself refused to have a medical examination to verify the allegations of torture. Deputy Inspector General (DIG) of Investigation also conducted an inquiry and found no proof of torture. The AHRC believes that the inquiry and its findings lack credibility and were biased and supposed to cover up the torture to which Khawja Saad Rafique was subjected.

9. A victim of police torture was buried after autopsy amid tight security on May 4 in Chiniot. The victim, Nazar, was being detained as a suspect in a murder case. He was arrested along with another accused person - Samad - by sub-inspector Ijaz Khan Mand in mid-April. They kept them in the lock-up without entering their arrest in the daily ledger. Eyewitnesses said that on May 2 the police removed them from their cell in Chiniot police station and took them to the compound of the police station where Nazim Khalid Asif, Naib (Deputy Mayor) Nazim Anwar Arain and two unidentified men were sitting. Station Head Officer (SHO) Sajjad and Sub-Inspector Ijaz Mand started beating Nazar with rods and fists and kicked him until he was dead. A case was registered against SHO Sajjad, sub-inspector Ijaz Nazim and Deputy Mayor Nazim.
10. Hamid, a person accused of murder, reportedly died in the Badami Bagh investigation police's custody on May 7 in Lahore. The father of the deceased, Talib Hussain, alleged that the investigation police officers killed his son after poisoning him and subjecting him to severe torture. He also filed an application against the police officials for allegedly killing his son, but no case has been registered so far. On the day of the incident, his wife went to the police station to meet her son, she found Hamid lying unconscious in the premises of the police station. When contacted, the officer in charge of the Badami Bagh investigation police was not available for comment, while Nazir Ahmad, the head constable, claimed that the police had arrested both Hamid and his brother a month before from their residence in Data Nagar. The policemen further claimed that the deceased had committed suicide by swallowing poisonous pills at his residence and that he was also a drug addict.
11. Four witnesses were heard by the First Additional Sessions Judge in Mirpurkhas Session court on April 21 in a case of torture and wrongful confinement in Mirpurkhas. The witnesses - Chaudhry Noor Ahmed, Sher Mohammad, Zulfiqar Ali and Ghulam Mustafa - said villagers panicked when Hashim Jarwar did not return home on March 26. They said that a zamindar (land lord), Zulfiqar, told villagers that Hashim had been detained by the Ratanabad police. They said that the next day when they approached the Ratanabad police to locate Hashim's whereabouts, they were told that he was being detained by the Old Mirpur police for interrogation in connection with a complaint of kidnapping for ransom. The Old Mirpur police transferred him to an unknown location. Before his

disappearance, Hashim Jarwar recorded his statement before the judicial officer and later told journalists that he was taken in custody by the Ratanabad police, including in-charge ASI Abid Noon, on the pretext of conducting an inquiry on a complaint. He said that he had been moved to the Old Mirpur police station the next day, where he was tortured by former SHO Syed Raza Shah and then removed to the Khan police station, from where it is believed he disappeared. The other victim in this case, Naeem Arain, told journalists that the former Station Head Officer of Satellite Town, Lakhmi Chand, along with driver Yousaf and other officials, picked him up from his house in scheme No 2 Satellite Town on March 25. Hashim Jarwar was also picked up in the same way.

12. A school teacher, arrested in Mastung on April 21, died while in police custody during the night. Quetta police officer Ghulam Muhammad Dogar said Ghulam Sarwar was suspected of involvement in an abduction case and died because of a heart attack after the arrest.
13. On April 20, District Nazim (Mayor) Narowal took exception to the registration of a 'fake' criminal case concerning the torture and humiliation of Executive District Health Officer (EDHO) Dr. Shaukat Saleem by police. The Mayor contended that the police turned violent on the direction of the District Police Officer (DPO), who wanted to settle some personal grudge he had been nurturing against the EDHO. The DPO, however, denied the allegation. The Shakargarh police claimed to have arrested EDHO Dr. Shaukat Saleem on April 11 for gambling. Dr. Saleem, after release on bail, said he was sitting in the office of the Shakargarh market committee along with Chaudhry Masood Ahmad when the police arrested them and took them to the police station. He alleged that the police humiliated and tortured him and that the Narowal Police Station SHO, besides torturing him, tried to urinate on his face. The police have reportedly added the Dr. Saleem's name to an FIR concerning a previously registered case. added the names of three proclaimed offenders.
14. 22-year-old Roshan Ali died in the Naushehro Feroze Civil Hospital on April 16, allegedly due to police torture. He had been admitted to hospital as the result of a court order after there had been allegations of his being subjected to police torture. Around 100 people blocked the national highway a day later demanding the registration of an FIR against those responsible for Roshan's death. Taluka (sub-town) police officer Naushero Feroze reached the spot and informed the protestors that an FIR had been lodged against the responsible people. SP Gul Mohammad said an FIR was lodged against in-charge investigation Sub-Inspector Azeem Rajpar and six civilians under sections 302, 343 and 109 PPC. The Sub-Inspector was reportedly suspended, but no further actions are known to have been taken.
15. A member of the Ismaili sect of Islam died in police custody in Multan on April 18. The man, Arif Ali, had been arrested by the Delhi Gate police on February 19 on charges of murdering a jeweller. Sources said that Ali had been tortured while

- in custody. His friend, Irfan Ali, who was also arrested, developed kidney problems in custody because of police torture. Irfan Ali stated that there was no evidence against them. The Delhi Gate police SHO Sadaat Ali, when contacted, first denied that Arif Ali was in custody but later changed his statement, saying that no evidence had been found of Arif and Irfan's involvement in the murder.
16. One Shahid Khan alias Chand, who was reportedly suspected of involvement in a ransom case, was allegedly tortured to death on April 14 by the Satellite Town Police in Sargodha.
  17. It was reported on April 4, that Iqbal Haider and his son Hammad were illegally detained at Kot Khadim Ali Shah police post for 36 hours and released after giving Rs.1000 and a cell-phone as a bribe to the Assistant Sub-Inspector (ASI). Taking serious notice of alleged torture of 55-year-old Iqbal Haider and his 13-year-old son Hammad, ASP Sahiwal Fida Hussain ordered an inquiry against ASI Abdul Hameed. It is reported that ASI Abdul Hameed was suspended for a period but has since regained his position.
  18. A police ASI was arrested in Chiniot on April 2, allegedly for sodomising a detainee after drinking liquor. Reports said ASI Shafiqur Rehman, a member of the Saddar police, took Tajamal Hussain, who was being detained having been accused of committing a crime, from his cell to a house in Garah locality. The ASI made the accused drink liquor along with him and afterwards allegedly sodomised him. On being informed of the incident, city DSP Saeed Randhawa ordered the registration of a case against the ASI, who was detained in the city police station's lock-up. The case is currently before the court.
  19. Two matriculation students were allegedly beaten up by an ASI and confined in a cell for several hours on April 1 in Okara. They were released the next day following the intervention of the city circle DSP. According to reports, Farhan Saeed, together with his cousin, went to a market where B-division police ASI Ghulam Mustafa stopped them. He took both of them to the police station where he, along with the moharrar (a record officer at police station), beat them up and detained them. On receiving information concerning this, Dr. Robina Saeed – Farhan's mother - contacted the city DSP, Syed Nazim Shah, who ordered their release. The families have applied for the registration of a case against the ASI and the moharrar. B-Division SHO Malik Tariq Awan said an inquiry had been ordered against the policemen. A case was registered against the ASI under section 342 PPC based on a report produced by advocate Naeem Iqbal. The ASI has been suspended from office and a case is currently before the courts. AHRC is again concerned that this person will not truly be brought to justice, due to the culture of impunity that prevails in the country.
  20. A petition was moved in the Sindh High Court on March 30, 2006 by Ms Zahida Leghari alleging that her 23-year-old son, Affan Leghari, was picked up by personnel of a law enforcement agency from his residence in Gulzar-i-Hijri on

October 30, 2004 on suspicion of having links with extremist religious groups. He had not been seen or heard from since. He had not been produced before a magistrate and no case had been registered against him in any police station. The police and other provincial agencies denied having arrested Affan Leghari. The court asked a federal attorney to obtain information from the federal agencies through the relevant ministry. Affan Leghari's whereabouts remain unknown. The Attorney General has reportedly released a statement claiming that he is not being held by any government agency. The High Court has reportedly ordered an enquiry into the involvement of the military, and the case remains open before the court.

21. The Hajipura police in Sialkot allegedly tortured a youth on March 28 for having demanded that members of the police return valuables that they had taken from him. Reports indicate that Muhammad Jamil of Shahabpura locality told Sialkot District Police Officer (DPO), Dr. Tariq Khokhar, that Hajipura policemen intercepted his nephew, Muhammad Tayyab Younas, and his two friends and snatched their cell phones. He said that when they demanded that they be returned, SI Fyaz Cheema and Constable Muhammad Ilyas took Tayyab Younas to the Model Hajipura police station where they tortured him. He said the youth fell unconscious and the accused police officials threw him into fields, believing him to be dead. He said the police also implicated him in fake theft and dacoity (robbery) cases. The victim was admitted to the local District Headquarters hospital where his condition was deemed as being critical. Taking note of the incident, the DPO ordered a probe against the accused officials, following which it is reported that policemen have been arrested on charges of torture, lodging a false case and attempted murder.
22. The Hajipura police in Sialkot have failed to arrest eight officials who were allegedly involved in the custodial death of 22 year-old Shah Muhammad. Reports stated that ASIs Gulzar Rana, Nawaz Tiwana and six other constables from the Hajipura police station had arrested Shah Muhammad from his house at Jandar Bazaar in late February for his alleged involvement in a dacoity (robbery) incident. The police officials had tortured him to death. The medical report confirmed the torture as well. They have since reportedly been arrested, but again there are fears that they will not be brought to justice for Shah Muhammad's death.
23. Four policemen were arrested on March 22 for allegedly torturing to death an aged storekeeper from a private company who was in their custody. Reports said 10 armed bandits allegedly took away electric appliances, from the warehouse of the company. Sahiwal police registered a case against the company sales manager and his six alleged accomplices, and took the storekeeper, Abdul Hameed, into custody for investigation. The storekeeper, who arrested at about 2 am on March 22, was allegedly subjected to torture by the police during the investigation. He was taken to the District Headquarters hospital in a critical condition and later died. The city police registered a case under section 302, 304, of the Pakistan

- Penal Code (PPC) against the following investigation cell officials: ASIs Bashir Ahmed and Masood Ahmed and Constables Muhammad Ashraf and Abdul Ghafoor. A medical board conducted Abdul Hameed's post-mortem and sent samples for analysis by the chemical examiner. The accused policemen claim his death was caused by heart failure. To date, no further progress has been recorded by the AHRC in this case.
24. Awais, a 16-year-old, was arrested from Beaconhouse School, Peshawar Road, by Investigation Officer Mian Afzal of Westridge Police Station on the request of the officer's friend, Naeem Siddique, and was tortured for six hours on March 21. Due to physical abuse, the child had to be hospitalized and treated for serious injuries. His eyesight was also badly affected. The police said that Awais had had an argument with Naeem Siddique, the owner of an Internet cafe the week before. The owner of the Internet cafe, with the help of the SHO of Westridge police station, submitted a fictitious application with the police against Awais. Taking action on this application, the police kept him in detention for six hours and tortured him in front of the complainant.
  25. Six police officials including: SI Mehmood Mustafa, ASI Muhammad Ahmad, ASI Muhammad Nazir and Constables Akbar Ali, Muhammad Rafi, Maqsood Ahmad and Zulfiqar were suspended on February 28. They were found guilty in an inquiry of Faqeer Hussain who was killed while in police custody in the premises of Model Town Courts. No further action has been taken against these persons as yet, according to latest reports.
  26. A resident of Goth Darya Khan Talpur, Matiari district has claimed that the Hala police have illegally detaining his brother. Ghulam Nabi Solangi, the son of Mitho Solangi, alleged that police had arrested his brother, Ali Anwar, on February 22, 2006. He said that his brother was being subjected to torture and that when he and others met Hala police station SHO Allan Abbassi and ASI Mir Haider Talpur, they first denied the arrest but, following the intervention of some people in Hala, the police allowed him to meet his brother. He said marks of torture were visible on his body. He complained that his brother had not been produced before any court.
  27. Two policemen were arrested on charges of unintentional murder after 25 year-old Asif Imdad, who had been arrested late in the night on February 24, died in the Manghopir police lockup on February 25. Police said Asif Imdad, was picked up from a shantytown in Manghopir allegedly for possession of drugs. He was arrested and taken to the police station where his condition deteriorated and he died. However, the City Police chief said that he had been tortured and that police officials had arrested him then subjected him to torture at the lockup. Doctors confirmed the torture after a post-mortem.
  28. 22 year-old Shah Muhammad was picked up from his house in Jandar Bazaar by Hajipura ASIs Rana Gulzar, Nawaz Tiwana and six constables, for his alleged

involvement in a dacoity (robbery) case. They kept the accused in a torture cell, where he died on February 24. Later, the police handed over his body to his family. A large number of people staged a protest against the policemen. The officer has been arrested, but no further progress has been witnessed since.

29. Larkana DIG Akhtar Hassan Gorchani on February 6 ordered an inquiry into the custodial death of Abdul Ghaffar Shaikh. The deceased had been arrested by Jacobabad police for allegedly kidnapping and killing a boy. No further progress has been witnessed, according to latest reports.

### **Police encounters, or how to get away with murder**

"Police encounters" is a term used to justify extra-judicial killings by the police. These often result from cases of illegal detention, torture and extortion. In 2006, 415 people are reported as having been killed in police encounters.

On July 15, 2006, the Lyari Task Force police buried a young man named Rasool Bux Brohi and claimed that he was a highway robber. The police claimed that they had killed a notorious robber, Mashooq Brohi, in an encounter. However, Rasool Bux's family, on seeing his photograph in newspapers, identified him as being their son, Rasool Bux Brohi, not Mashooq Brohi. His parents said that he had been missing for many days after having come from the southern province of Balochistan. The victim's family, newspapers and members of civil society organisations protested about the fake police encounters, after which the body was exhumed and several torture marks were found on it. Rasool Bux Brohi's brother, who was travelling with the deceased, told reporters that the police had arrested him after returning from Balochistan for not paying them bribes. After several days, and the intervention of the Supreme Court of Pakistan the Lyari Task force police officers were arrested and are currently in prison. The case is still in court.

Please also see the following, taken from AHRC urgent appeal UA-237-2006,<sup>14</sup> about another case of "police encounter".

The Asian Human Rights Commission (AHRC) received information about a killing of a 14-year-old boy named Salman and the serious injuries to a 15-year-old boy named Asqhar by the Muslim Town police and the Sepoy [ordinary policemen] of the elite force stationed near the police picket at Wahdat road, Lahore City, Punjab, Pakistan on July 8, 2006. The police fired randomly at the boys and later allegedly concocted a story about the incident in order to pass it off as a police encounter. The police claim that the boys were armed and shot at the police. The officers then claim that they responded by firing back at the boys. However, according to eye-witnesses, the boys were not armed. Meanwhile, an inquiry has begun looking into the incident and a murder case has been registered against the Sepoy. However, no charges have been filed against the Station House Officer (SHO) of the Muslim Town police station, who ordered the shooting, or any other Muslim Town police officers responsible for the incident. Salman is the latest

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<sup>14</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1855/>



victim of extrajudicial killings in Lahore. According to a local report, during the first half of 2006, more than thirty persons in Lahore alone were allegedly killed by the police in custody on January 16. The deceased had been arrested on suspicion of stealing a car when he was driving his brother's car in Chitral bazaar.

The police took him to a cell, where, according to the father of the young man, he was tortured. It has been learnt that when Habibur Rehman was produced before the judicial magistrate, his condition was critical, and the court ordered that he be sent to jail. The police had been trying to keep him under their custody, but the judge reportedly ordered him to instead be sent to jail, for his protection from these officers.

However, the police took him to the district headquarters hospital, after realizing how serious his condition was. Despite this, he died in hospital. The doctor on duty said the deceased was in shock and was in a critical condition when he was brought to the hospital.

### **Proxy torture – the outsourcing of pain**

After 9/11 a new reality concerning the use of torture has been introduced, in which countries that do not wish to be seen to be engaging in the practice torture get other, less image-conscious countries conduct the torture for them and extract information before returning these persons to the source country. We refer to this as “proxy torture”. Pakistan is one such country. State-agents carry out the torture themselves on behalf of others – notably the United States – or foreign intelligence and other officials are allowed to use Pakistan as a base to conduct torture.

Article 4 of the Constitution of Pakistan provides that "to enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being in Pakistan". These words must become a reality, including in the context of the "War on Terror". According to a report of Human Rights Watch, U.S. FBI agents operating in Pakistan repeatedly interrogated and threatened two U.S. citizens.<sup>15</sup>

### **Discrimination against women**

Despite claims to the contrary from the Pakistani authorities, the state of women's human rights in the country remains atrocious. Women in Pakistan are still under harsh conditions, customs and laws in the country. According to NGO Lawyers on Human Rights, in Pakistan, from 2000 to 2006, 9379 women were killed, 117 women were killed after rape, 3116 cases of rape were reported, 1260 women were gang raped, 4572 cases of honour killings were reported, and 1503 women were burned to death. The role of the State and its law enforcement agencies, particularly the police, ensure that protection of women's right is not ensured and fail to apply due diligence. The country runs a dual

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<sup>15</sup> <http://hrw.org/english/docs/2005/05/24/pakist11005.htm>

justice system which results in human rights violations. Although the Jirga (a parallel judicial system) has been declared as being unconstitutional by the country's Supreme Court and the Sindh High Court, the authorities have not taken steps to abolish this system and, in several cases, ministers and chief ministers have attended Jirga proceedings.

Women are severely victimised under the Jirga system. Men are effectively allowed to get away with raping women as part of revenge on members of these women's families. Under the Hudood Law in particular, women's rights are systematically violated; this law discriminates against women in numerous ways. For example, a woman who has been raped requires four Muslim male eye-witnesses to testify that she was being raped in order to have her complaint considered and prove her case. If a woman cannot produce four eye-witnesses when making such a complaint, she risks receiving punishment for adultery, which can include lengthy prison terms.

### **Rape cases**

In Pakistan, a vast number of cases of rape and sexual assaults are recorded every year. During 2006, more than 200 cases of rape and sexual assaults were reported, however the State has failed to protect the victims and the perpetrators enjoy impunity for their acts. In many incidents, the cases are unreported as they are considered as "dishonourable" for women as well as their entire families. Many cases are sidelined by the police, who generally ensure that the rich and influential are above the law; when such persons are involved in such crimes, the police, including high officials, refuse to lodge First Information Reports (FIR), which are necessary for cases to proceed.

Some examples of cases taken up by the AHRC as urgent appeals follow:

### **Urgent Appeal UA-297-2006<sup>16</sup>**

The Asian Human Rights Commission (AHRC) writes to inform you about the alleged kidnapping of a girl named Ghazala Shaheen and her mother who were abducted from their house at 1:00 am by the henchmen of Mr. Raza Hayat Heraj who is the Minister of State on Law, Parliamentary Affairs and Human Rights and Punjab province police of the Khanewal district on 25 August 2006. The victims were only freed after local villagers took action and stormed a house, while detaining the perpetrators on September 5.

The father of the girl was also so severely beaten by the minister's men that he could not move for two days. The girl, who has completed her Masters in Education from Baha uddin Zakarya University, Multan in Punjab province, and her mother are feared by the father that they will soon be killed once they have reported the case to the police. Local human rights organisations also fear that the kidnapped women have been subjected to

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<sup>16</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1955/>

torture in their confinement since the perpetrators are previously known to have committed rape and torture to other women in the past.

The police first refused to register the case after the arrest of one of the accused by local people who secured the release of the daughter and mother from the abductors. The police are not pursuing this case further because the minister himself and his men are involved. The police officials of the Saddar police station, Kabirwala raided the house where the women were kept and announced that there is no person inside, but the people including activists of human rights groups chased a car that the accused persons were escaping with the victims and caught three persons and handed them over to the police. The police then arrested one person and released the two other accused. Among them one was the guard of the said minister. The deputy Inspector of Police Multan range and Deputy Superintendent of Police Kabirwala Circle have also been threatening the victims, the girl and her mother, as well as the two relatives of the victims who helped catch the accused persons for dire consequences including threats to their life.

### **Urgent Appeal UP-188-2006<sup>17</sup>**

The Asian Human rights Commission has received updated information regarding systemic and constant threats and intimidation by the police and local district administration against two gang rape victims (a mother and daughter) belonging to the lower caste Batti community, who were allegedly abducted and raped by the Kabirwala police and henchmen of the Federal State Minister for Law, Parliamentary Affairs and Human Rights Mr Raza Hayat Heraj. (To see details, please go: UA-297-2006<sup>18</sup> and UP-179-2006<sup>19</sup>)

According to the latest information we have received from a reliable source, the main alleged rapists (as well as abductors) walk free in the area under the protection of Deputy Superintendent of Police (DSP) of Kabirwala Mr. Daud Hasnain, who is providing immunity to them. Meanwhile, the victim was terminated from the Sun Beam School, where she worked as a teacher without any valid reason. It is alleged that the concerned federal state minister and the local administration of Khanewal influenced her termination.

The AHRC was also informed that the DSP Mr. Daud Hasnain, who allegedly aided the escape of the alleged perpetrators during the raid on the house, where the victims were kept and raped over a period of 12 days on September 5, is still manipulating the story of the incident. He also replaced the Station Head Officer (SHO) of Saddar police station with Sub Inspector Mr. Abrar Gujjar who is the relative of Mr. Mohammad Nawaz, the main perpetrator and henchmen of the minister.

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<sup>17</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1999/>

<sup>18</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1955/>

<sup>19</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1969/>

## **Urgent Appeal UA-199-2006<sup>20</sup>**

The 17-year-old victim (whose name we withhold) was kidnapped on 6 June 2006. It is alleged that she was taken from her neighbourhood while on her way to perform a religious duty, in the car of the advisor to the Chief Minister of Sindh, Mr. Imam Din Shouquin. The time of kidnapping was 3.30pm and the car used was blue. When the car approached the victim two persons confronted the victim and overpowered her by using an unknown chemical which caused her to lose consciousness. When the victim regained consciousness some time later she found that she had been taken to an unknown place and placed in a room with six intoxicated men. She was then raped by all the men present.

At 10pm that evening the victim was dropped off at a location nearby to the village of Allahyar. When she reached her home her father and brother took her to the Tando Adam Police Station to register a case against the suspects. However, the duty officer at the police station refused to lodge a case after learning that the suspects were affiliated with the ruling parties such as the MQM, the Pakistan Muslim League Functional and Jeay Sindh.

The following day the victim and her family returned to the police station and met with the station house officer (SHO). The SHO agreed to lodge a case but upon learning that the suspects were politically connected, he said he would only do this once he conducted investigations into the allegations. In doing so, the SHO was delaying the arrest of the suspects and giving them time to devise an alibi for their whereabouts at the time of the crime. The SHO then asked the victim to return the following day so that he could issue a letter for a medical examination of her.

When they returned the following day the SHO informed them that he would only issue the letter if they promised to register the case against only several of the suspects. If, however, the victim wished to pursue all of the suspects, then the SHO said he would not help her. It was only when the victim's family threatened to take the matter to the press and human rights organizations that the police finally registered a case on June 9. However, the case was lodged naming only Khan Chan, Ismail and Israr and had failed to include Ayub Khos, Sanaullah and another person who were also involved in the crime.

The victim was taken for a medical examination at Taluka Tando Adam Hospital on June 10. Though a case was filed, to date no medical examination report has been issued and no arrests have been made.

The victim and her family have begun a hunger strike in front of the Hyderabad Press Club against the police and the political parties whose workers are involved in the rape case. No arrests have yet been made.

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<sup>20</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1800/>

## **Urgent Appeal UA-230-2006<sup>21</sup>**

The Asian Human Rights Commission (AHRC) has received information that a blind beggar's 19-year-old daughter was gang raped by three influential men for several months. Upon knowing her pregnancy, they forcibly poisoned her and killed the three-month-old fetus. Meanwhile, the police refused to protect the victim and pressed charges against her family to force the victim to withdraw her complaints against the perpetrators.

Miss. RP (the name is withheld to protect the victim's identity), the 19 year-old daughter of a blind beggar, was gang raped at gunpoint by three men about three to four months ago when she was harvesting alone on a corn farm in Goth Dur Mohammad Phawarh, Ghotki district, Sindh province, Pakistan. The three culprits named Saad Ullah (alias Soodho Phawrh), Usman Phawarh, and Abdul Karim Phawarh beat her as she cried for help. They fastened her mouth with a piece of cloth at gunpoint and all three took turns raping her. Furthermore, they threatened to kill her if the assault was reported.

Two days later, the perpetrators returned to her house knowing that most people would be away at work. They stripped her, forced her to dance, tortured her, and burned her with cigarettes before they tied her up to rape her again. Since the three men were influential landlords with strong connections and support from the local police force, they threatened that they would make sure her entire family got life sentences if she told anyone about the attack. Her fear silenced her as the rape continued daily until she was three-month pregnant.

The victim's mother told her husband about the incident and they lodged a report to the Ghotki police and subsequently a case of rape was filed on 26 June 2006 against Saad Ullah, Usman Phowarh and Abdul Karim with the Ghotki police station. But the Ghotki police delayed their response in arresting the culprits and only arrested Saad Ullah and Usman but not Abdul Karim, as he allegedly had good connections with the police. The arrests of the two men were also made only after the intervention of local journalists.

After the local hospital confirmed her pregnancy, the culprits allegedly attempted to kill the victim and her fetus. On 3 July 2006, some armed men, two of which identified themselves as police officers, attacked the victim's entire family and forced poison down her throat. They threatened the family saying that if they went to the hospital, they would attack the family again. The victim was then hospitalized at Taulaqa hospital Ghotki some hours later and luckily survived with the help of Dr. Salma, but the 3 month-old fetus was dead. During her stay in the hospital, the Ghotki police allegedly forced the hospital to release her a week early from medical care. The victim's condition still remains serious.

A case of attack was registered against local gangsters namely Ghulam Nabi Aandal, Hazoor Bux Phawarh, Yaqoob Phawarh, Sohno Phawarh, Abdullah Phawarh and Mehboob Phawarh. But no one has yet been arrested. Meanwhile, in order to pressure the family to drop charges, the rapists simultaneously filed a petty case suit for fighting in the

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<sup>21</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1846/>

Sarhad police station against the victim's blind father Allah Rukhyo, her two brothers Abdul Haleem and Abdul Jabbar, as well as her uncles Basheer Ahmed, Ali Mohammad, Ghulam Nabi, and Abdul Wahab Phawarh. Subsequently, three of the victim's family members have been arrested by the police.

### **Attempted rape of university student**

A student of law was the victim of an alleged attempted rape by the staff of University of Karachi, but the university's authorities only terminated their employment after significant pressure from AHRC and other groups. However, a case has not been registered with the police. Please see UA-258-2006<sup>22</sup> and UP-172-2006<sup>23</sup> for further details.

### **The Women's Rights Bill**

In the third week of November 2006, Pakistan's Parliament passed a Women Rights Bill to replace the "Hudood" ordinance. This has been welcomed as a means through which the rights of women will be better protected, notably in cases of rape, gang rape, and concerning the law on witnesses. However, the draconian Hudood ordinance has not been abolished and other harsh laws that discriminate against women have been kept in order to appease religious fundamentalists and extremists. Although this bill is progressive in comparison to previous ones, it cannot resolve the question of women's rights in general. Through the new Bill, the government has amended one of four laws in the Hudood ordinance, with three laws remaining intact. According to these remaining elements, if a woman is arrested for theft of an amount equivalent to only 4.4 grams of gold, her right hand will be amputated for the first theft, with her left leg being amputated for any second such theft. Furthermore, under the Hudood ordinance, a victim of rape had to produce four eye-witnesses to prove she had been raped, while under the new Bill she now needs two eye-witnesses. While this is a statistical improvement, it remains a serious concern in terms of women's rights.

### **Conditions of detention for women**

The detention conditions for women in Pakistan's jails are deplorable. Women who are under trial for adultery cases or rape remain in detention for lengthy periods and suffer further physical and sexual abuses while in detention. Many women have been forced to give birth in prison while awaiting bail. Women's prisons are overcrowded: for example, Hyderabad Jail in Sindh province has a 150 person capacity, but 820 women are being detained there. In Sukkur jail, 190 women are being held despite the jail having a 100-person capacity, while in Lahore jail 200 women are being kept in a prison meant for a maximum of 120 persons.

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<sup>22</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1889/>

<sup>23</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1945/>

## Minorities

According to the government, of Pakistan's population, 77% are Sunni Muslim, 20% are Shi'a Muslim, 1.5% are Christian and 1.5% are Ahmadis, Hindus, Zikris or others.

The Ahmadi sect is a religious minority that considers itself to be the purest form of Islam, but which has been persecuted as a non-Muslim group by Pakistan's Islamic government, which declared the sect as being "beyond the faith" – or as being non-Muslims - in a constitutional amendment 30 years ago. A Pakistani political party, the Muttahida Majlis-e-Amal (MMA), has filed a motion demanding a debate on the government's deletion of religious information from electronic passports, claiming that the removal was an Ahmadi conspiracy to circumvent a ban on non-Muslims entering Mecca. Furthermore, a Pakistani man, and recent convert to the Ahmedi sect, has been sentenced to life imprisonment for "being disrespectful to the Prophet Muhammad" under the country's draconian blasphemy laws, which Amnesty International has described as "so vaguely formulated that they encourage, and in fact invite, the persecution of religious minorities or non-conforming members of Muslim majority."<sup>24</sup>

In 1984, clause 295-C of the Pakistan Penal Code came into force – it is usually referred to as the blasphemy law. It rather sweepingly stipulates that "derogatory remarks, etc., in respect of the Holy Prophet . . . either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly . . . shall be punished with death, or imprisonment for life, and shall also be liable to fine." Six years later, the stakes were raised when the Federal Sharia Court, where cases having to do with Islamic issues tend to be heard, ruled, "The penalty for contempt of the Holy Prophet . . . is death and nothing else." So far, none of the convicted has been executed, in part because scheduling an execution can take years. But lynch mobs have killed several of the accused.<sup>25</sup>

In 2006, religious minorities in Pakistan faced another harsh year in terms of the enjoyment of their basic human rights. They were not allowed to freely perform their religious rights not only by Islamic extremist elements, but also by the State, which totally failed to protect this right and their lives. The police have been working under pressure from extremist elements. The use of blasphemy law has been the easiest method to victimise members of religious minorities, particularly Hindus, Christians and the Ahmadi communities. Several Christians were charged under the blasphemy laws, and, having been accused of burning copies of the Quran, were arrested, tortured and even sentenced to life imprisonment or death. Members of the Christian community in several cities, including Karachi, Faisalabad, Multan, Bhawal Pur, Sanghar and Jhang, have had to leave their houses because of a lack of protection from the government.

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<sup>24</sup> <http://www.religioustolerance.org> and [www.amnesty.org](http://www.amnesty.org)

<sup>25</sup> Pakistan's Blasphemy Law: Words Fail Me by AKBAR S. AHMED, The Washington Post, May 19, 2002



The minority that has suffered the most discrimination is the Ahmadi sect of Islam, which was declared a minority in 1974. They are not even allowed to live in the same neighbourhood as other Muslims. The bodies of deceased Ahmadis have been transferred from general Muslim graveyards and their mosques have been demolished. The police are working at the behest of extremists in carrying out such activities.

There are reports of the forceful conversion to Islam of Christian girls after they have been kidnapped and married under threats that their families will be killed. According to Bishop Ashaar Kamran, speaking at a protest rally on November 20, 2006, more than 350 Christian women have been kidnapped and forcibly married, and the husbands divorced most of the women shortly after their marriage, according to the "Dawn" newspaper, which quoted the leader of the Methodist Church in Multan City.

One recent incident involved a mother of five who had been kidnapped, according to the media report. Although the case had been reported to the police, no action had been taken. He called on the district government to take steps to prevent further similar cases. Other church leaders and local politicians also took part in the rally.

Some other examples of violations of minority members' rights and the use and abuse of the blasphemy law follow:

### **Urgent Appeal UA-196-2006<sup>26</sup>**

Under-trial prisoner, Mr. Abdul Sattar Gopang, was stabbed on 16 June 2006 while in the premises of the District and Session Court of Muzzafargarh. This, it is alleged, was carried out by five interns of seminary, on the orders of seminary head, Mr. Maulana Abdul Rasheed. The five attackers continued to stab the prisoner until they were certain of his death. Two policemen who tried to overpower the attackers were injured. Despite there being hundreds of policemen present at the time, none were able to capture the culprits. It was only with the intervention of bystanders that two of the attackers were captured and handed over to the police.

Mr. Gopang was a contractor of Octroi (toll tax) and worked as a collector for the union council in Jatoi town, Muzzafar Garh. Mr. Rasheed, in charge of the seminary and the office bearer of Alami Majlis Tauhafuz-e-Khatme-e Nabuwat had not been paying his toll tax and had verbally threatened Mr. Gopang when asked to do so. On March 13 Mr. Rasheed again refused to pay the toll tax and immediately went to the police and filed a case of blasphemy against Mr. Gopang. However, there was no basis to this accusation and Mr. Rasheed knew that Mr. Gopang would be released in a matter of days. He therefore began telling local men that they would go to heaven if they killed this man for having committed blasphemy.

The AHRC is deeply alarmed at the continual abuse of the Blasphemy Laws (295-B, 295-C, 298-B, and 298-C) present in the Constitution of Pakistan against innocent individuals.

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<sup>26</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/2021/>



This is happening largely because of the ready acceptance of blasphemy-related accusations. These acts are continually being carried out and illustrate an utter disrespect for people, their rights and their fundamental freedoms. Intervention is therefore essential so that this grave crime can be brought to an end.

Please also see UG-017-2006<sup>27</sup> concerning the State's behaviour in two separate incidents against members of the Ahmadi sect in Punjab province, Pakistan. In one case, the Daily Al-Fazal, which is run by Ahmadi sect, was banned by the Punjab government for disseminating "hate-literature." In another case, about 100 Ahmadis from Jhando Sahi village in Daska fled their homes due to a mob attack. The police were allegedly present but did not take any action against the attackers. Members of the Ahmadi sect have been persecuted after being declared as a non-Muslim group through a constitutional amendment 30 years ago.

In one incident, the government of Punjab Province banned a nearly-century-old newspaper, the Daily Al-Fazal, which was published by members of the Ahmadi sect and raided its office in Chenabnagar, Chiniot District, Punjab, on September 10, 2006. Chenab Nagar (Rabwah) police raided the newspaper office, arrested the printer, Mr. Sultan Dogar, and a journalist, Mr. Abdul Sattar Khan, and lodged cases against them under Sections 298B and 298C of the Pakistan Penal Code, Section 16 of the Maintenance of Public Order (MPO) and Section 9 the Anti Terrorism Act (ATA). The police also confiscated all the publications and sealed the offices. Mr. Khan was later released but Mr. Dogar is still in detention.

The Daily Al- Fazal was founded in 1911, and is one of the oldest newspapers in Pakistan. No previous ban had been imposed until this incident. According to Deputy Superintendent of Police (DSP) Saeed Tatla, the raid was a part of the government's campaign to confiscate religious "hate-literature."

According to the First Information Report (FIR), the police accused the newspaper of preaching Qadiyani beliefs and describing Ahmadis as Muslims, which is against the law. According to the local newspaper report, Inspector Muhammad Yasir, the Station House Officer (SHO) of Chenab Nagar police, said that the Punjab Additional Inspector General (Operations) had ordered them to confiscate four issues of Al-Fazal and take action against the editor, printer and publisher of the newspaper. The police reportedly conducted several raids on different houses to arrest the editor and the publisher but failed to arrest them at that time. During the raids, the police allegedly illegally detained some of the editor's relatives.

In another incident, a mob attacked Ahmadi residents in Jhando Sahi village in Daska, near Sialkot district, Punjab province on June 24, 2006, after allegations of the desecration of the Holy Quran. The incident was used as propaganda by the media in a report that stated that Ahmadi men were seen burning pages of the Quran in public. The report was published in Punjab province three times in one week. The police arrested the accused Ahmadis but the mob got together and started burning houses, shops and

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<sup>27</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1983/>

vehicles of Ahmadis in Jhando Sahi village. It is alleged that prior to the incident, Muslim clerics had encouraged a mob attack, announcing through the mosques that non-Muslims should not be allowed to live among the Muslims.

Two Ahmadis were reportedly injured and about 100 Ahmadi villagers fled their homes, where they had been living for the last 60 years. The police were present during this attack but reportedly did not take any action against the attackers. It is also alleged that the police also refused to record the complaints made by Ahmadi villagers regarding the incident. Subsequently, no proper investigations have been launched into the case.

### **Hindu temple forcibly converted into Islamic place of worship**

The recent repression of Hindu religious minorities by Muslim extremists in Karachi, Sindh province, Pakistan is also of serious concern. In particular, the local police have not only refused to record the complaints made by victims and launch investigations into the incident, but have also actively collaborated with alleged perpetrators of these crimes. No action has yet been taken by the Sindh provincial or Pakistan federal governments to correct this matter.

There is a century-old residential compound of the Hindu community in Lyari town of Karachi, Sindh province, which was constructed in 1901, and in which more than 100 houses of the Hindu community are located along with the Shiv Mander temple. This compound is exclusively earmarked for Hindus by the government of Sindh province under the Evacuee Property Act 1957. This Evacuee Property Act was produced in order to permit the transferral of property for Hindu and Muslim people who migrated to India and Pakistan following Pakistan's independence from India. The Hindu residents of the compound are paying rent to Pakistan's government under a 1958 agreement, which is administered under the auspices of the Evacuee Property Act 1957. The Act prohibits a person(s) who was granted land, from selling it.

However, with the help of Baghdadi police in Kakri Ground, Lyari town, land-grabbers have been forcibly evicting residents from this compound. As a result, only 35 families are left. Muslim extremists and the Baghdadi police are also allegedly forcing the Hindu residents to sign residential documents that subsequently give the right to the use of the land to the land-grabbers, in exchange for paltry sums of money.

In July and August 2006, a local minority seat Union Council member named Mr. Aanwal Das, who resides in the same compound, was threatened several times by the Baghdadi police and Muslim extremists to vacate the compound of its Hindu community. He contacted the higher authorities, including the Chief Minister of Sindh province, several times about the forced eviction of the community, but his efforts were in vain. To date, no action has been taken by any of the local government's authorities to address this matter.

Beside this, the Baghdadi police reportedly allow Muslims to slaughter cows inside the compound's walls, which insults the Hindu religion and scares the community. The police have also taken over the Shiv Mander temple and transformed it into a place for Muslim worship. Furthermore, whenever there are any Hindu religious ceremonies inside the compound, such as Holy, Deewali, Janam Ashtmi or the birthday of Shiva Jee, Muslim extremists throw stones and filth to stop the functions and the police take no action to stop these acts.

The AHRC has also been informed that several Hindu girls have reportedly been raped within the afore-mentioned compound, but the Baghdadi police showed no willingness to register the cases. For example, in April 2006, the Baghdadi police received a complaint regarding the kidnapping and rape of a Hindu girl, allegedly by a Muslim man named Javed Qasai. However, instead of arresting him, the police forced the girl's family to settle the matter with the perpetrator and allowed him to leave the compound freely.

### **Forced conversions to Islam of Hindu girls**

Forced conversions of religious minorities to Islam occur at the hands of various groups, notably religious fundamentalist groups, in the country. Several human rights groups have highlighted the increased phenomenon of Hindu girls, particularly in Karachi, Sindh province, being kidnapped and forced to convert to Islam. The government of Pakistan's action to stem the problems is inadequate. In fact, these incidents are taking place with the help of the country's local administrations. According to the All Pakistan Minority Alliance, some 25 girls from the Hindu community have allegedly been forced to convert to Islam in the province of Sindh in 2006. The method of choice to convert the abducted girls is to have them marry members of the Muslim community.

In one case, 3 daughters - Rina (aged 20), Oosha (aged 25) and Reema (aged 17) - of a Hindu couple residing in the Punjab Colony, Karachi, Sindh province, disappeared on 18 October 2005. After lodging an inquiry with the local police, the couple discovered that their daughters had been abducted by Muslim extremists, taken to a local madrassah (religious seminary) where they were converted to Islam.

However, the Frere police refused to register the case of abduction lodged by the parents. On 22 October 2005, with the efforts of Mr. Javed Burqi, an advocate of a local human rights organization named the Human Rights Commission of Pakistan, the father of the kidnapped girls had his case finally registered with the police as First Information Report (FIR) no. 144/2005. However, since the alleged kidnappers Mr. Jahan Zeb, Mr. Faisal and Mr. Abid had connections with the police, they had secured bail before they were even arrested and therefore were never taken into custody.

The three kidnapped girls were later forced to marry their kidnappers at a seminary called the Darul Uftad Binori. The parents were not allowed to meet their daughters. On 3 November 2005, the Judicial Magistrate South 4, Karachi ordered the Frere police to arrange a meeting between the parents and their children. The police were then allegedly

threatened by the seminary administration to desist from such actions. Mr. Javed Burqi once again filed an application of contempt of court and, on November 10, the court ordered the police to arrange the meeting or be held in contempt of court.

On 11 November 2005, the parents were allowed to meet their daughters for one hour at the Darul Uftad Binori seminary. However, when Mr. Sono and his wife went to see their daughters at the seminary with the police, the whole area was cordoned off by the seminary's armed guards, and the parents were provoked by the armed officials. The meeting was allowed for only 15 minutes, which was held under the watchful eye of 5 male and 1 female officers from the seminary and 5 policemen. At no time were the daughters allowed to talk separately with their parents. Since then, the whereabouts of the three forcibly converted women remains unknown and the police have not made any attempt to find these girls and arrest the perpetrators.

The authorities have still not inquired into these incidents, even though Hindu religious minority groups and human rights organisations have lodged several complaints. The AHRC observed that continued serious forms of discrimination and attacks against religious minorities in Pakistan are being allowed to take place due to direct collaboration with the alleged perpetrators or inaction by members of the police and local administrations. Alongside the Hindu minority, other religious minorities are being targeted with serious attacks (please refer our appeal on the recent suppression of members of Ahmadi sect of Islam in Punjab province above and in UG-017-2006<sup>28</sup>).

The above are only examples of how the blasphemy law has been abused for fundamentally malicious purposes by clerics and religious seminaries, with the collusion of the police. Owing to the nexus between area clerics and the police, together with the State's policy of promoting religious fervour and intolerance, the police are being overly receptive to and influenced by accusations made by religious persons, despite knowing that they may have no merit.

### **One Christian and one Muslim charged with Blasphemy**

On 31 August 2006, a doctor named Mr. Arshad Mehmood Khan hired Shahid Masih's brother, Mr. Farooq Masih, to whitewash his clinic, which is located at Chak no. 208, Abid Shaheed road, Madina town, Faisalabad, Punjab province, Pakistan. The doctor later complained to Farooq that his younger brother Shahid stole some medicines from his clinic. However he could not provide sufficient evidence to prove this.

Dr. Arshad went to the Saddar police station in Faisalabad on September 1 and attempted to register a theft case against Shahid and a Muslim watchman, Mr. Mohammad Ghaffar, which the police refused to accept due to lack of evidence. After several attempts, Dr. Arshad, allegedly on the advice of Saddar police, finally lodged a false case against the two men under sections 295 (B) and 308 of Pakistan Penal Code (PPC), known as the

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<sup>28</sup> <http://www.ahrchk.net/ua/mainfile.php/2006/1983/>

blasphemy law. In Pakistan, this is the easiest way to book any member of a religious minority.

On September 10, Dr. Arshad lodged a written complaint based a fabricated story to the Saddar police. In the complaint, he stated that when he came to his clinic on September 10, he found that a volume of a book - Tafseer Ibn-a-Qasser - which interprets different verses of the Holy Quran, was missing and only found its burnt cover. He also stated that he caught Mr. Mohammad Ghaffar, who confessed that he and Shahid burnt the pages. The Saddar police registered this false case under sections 295-B/ 308 of the PPC (reference number: FIR No. 1537/06).

Later the same day, Mr. Rana Umer Daraz, the then Station Head Officer (SHO) of the Saddar police, Assistant Sub Inspector (ASI) Zafar Iqbal, Police Constable (PC) No. 2980 Abdul Raouf, PC No. 4133 Mohammad Hayat and PC No. 2903 Munir Ahmed, arrested Shahid and Mohammad Ghaffar and severely tortured them.

Alongside this, after having heard the story fabricated by Dr. Arshad and the Saddar police, people in the area, who were from different mosques, attacked the houses of Shahid and Mohammad Ghaffar, and the families of both men had to flee their homes.

This case is in complete violation of the laws of Pakistan. According to Section 196 of the Criminal Procedure Code of Pakistan, a blasphemy case can be registered only after the competent authorities or a judicial magistrate reviews the case. In addition, there is no eyewitness to this case, which is required under sections 38, 39, 40, and 43 of the Law of Evidence.

The AHRC fears that there is a great possibility that the both falsely accused may be killed in prison as other prisoners are threatening to take revenge on them for insulting the Quran. Besides this, their families also have repeatedly been receiving death threats from local clerics.

## **Conclusions and Recommendations**

The human rights situation in Pakistan is worsening at present, notably due to the fact that the country is a front-line partner in “War against Terror,” which is resulting in the State ignoring many of its international obligations.

According to the Human Rights Commission of Pakistan, 900 torture cases were reported in 2004; 1100 cases were reported in 2005; and in 2006 the number had again risen to a total of 1319 torture cases. Disappearances, conducted by the military intelligence agencies and other law enforcement agencies following arrest, have reached an estimated 5000 persons since 2001. Such widespread disappearances were not known to have taken place before September 11, 2001, but now such actions are being undertaken on a large scale under the auspices of the so-called “War on Terror”. This practice is also being used in other cases, such as against political opponents to the military government. The

provinces of Sindh and Balochistan are the worst affected by the practice of disappearances, with the victims including nationalists and political activists.

The people of Pakistan are being victimised by their own armed forces, including the indiscriminate aerial bombardment of civilians and other violent military operations, forced disappearances, torture, and a lack of due diligence and protection by the State. The judiciary has become subservient to the military, and cannot provide remedies to victims. The judiciary has not even taken an oath on the Constitution of Pakistan since it was reinstated.

Pakistan is still under a State of Emergency, as the Parliament has not abolished the emergency which was imposed in 1998, as the result of which a great many fundamental rights have been suspended.

It must be recalled that, despite its tragic human rights record, Pakistan was elected as a member of the United Nations Human Rights Council in May 2006. The country has failed to ratify many of the most important international human rights instruments, and its inclusion in the Human Rights Council is continuing to discredit this body. Pakistan's powerful allies in the "War against Terror" have enabled it to become a member of the UN's supreme human rights body, but it has achieved this status on the back of numerous rights violations, rather than any credibility in the protection of such rights.

Pakistan has also earned millions of US Dollars in exchange for the arrests and transferal of "terrorists" to its allies as part of this "war". This was also disclosed by the President of Pakistan himself during a meeting with President of the United States. "Proxy Torture" has also been introduced – as part of this practice, alleged high profile terrorists are sent to Pakistan to be interrogated and tortured by the FBI and Pakistani officials.

The Province of Balochistan has been the stage of a crippling military operation since 2001, in which numerous violations of the Constitution of Pakistan and humanitarian and human rights laws have been perpetrated. Poverty is still on the increase during 2006, with an estimated 33% of the population living under the poverty line, according to the State Bank of Pakistan. Since September 11, 2001, Pakistan has received considerable foreign aid, but, due to non-transparency and corruption, most of these funds have not been used to assist the intended targets of this aid or to eradicate poverty.

## **Recommendations**

**The United Nations Human Rights Council should appoint a Special Rapporteur to monitor the human rights situation in Pakistan.**

**As a member of the United Nations Human Rights Council, Pakistan must ensure that it takes immediate actions to fulfil its pledge to the international community to uphold human rights to the highest standards. It should signal its intentions to correct its ways in this regard, by immediately beginning the process of ratification**

**of all major international human rights instruments, notably the International Convention on Civil and Political Rights (ICCPR), the Convention against Torture, the new International Convention for the Protection of All Persons from Enforced Disappearance.**

The government of Pakistan should also:

- **Locate the whereabouts of the thousands of persons that have been arrested then disappeared by State-agents;**
- **Ensure that custodial torture is abolished, by investigating all allegations of torture and bringing the perpetrators to justice;**
- **Abolish the State of Emergency in the country and restore and protect fundamental human rights;**
- **Halt military operations in Balochistan Province and Northern areas of the NWF Province;**
- **Repeal all ordinances and ensure that all laws that discriminate against are amended or removed;**
- **Ensure the rights of freedom of association and the formation and work without obstacle of trade unions;**
- **Halt all repressive against the media and journalists and ensure the freedoms of expression, speech and access to information;**
- **Protect the lives and livelihoods of the country's fisher-folk;**
- **Restore student unions, which have been banned since 1985;**
- **Implement the recommendations of 2004 Police Reform Commission.**

December 21, 2006