



The State of human rights in Pakistan in 2009

Deterioration of human rights and security accompanies increase in terrorism and conflict

Introduction

In this report, the state of human rights in Pakistan in 2009 will be scrutinized. This scrutiny does not claim to be comprehensive, but is based on the cases and situations that the Asian Human Right Commission (AHRC) has encountered during the year. The actual situation of human rights is potentially graver still than the account below relays, as monitoring of many of Pakistan's lawless and/or conflict-affected areas remains problematic for access and security reasons.

In previous years, the AHRC and its sister-organization, the Asian Legal Resource Centre (ALRC), have repeatedly pointed to the worsening situation of human rights in the country. Of concern had been the scale of violations, including grave violations such as forced disappearances, torture, extra-judicial killings and rape and other violations of women's rights, as well as the impunity that accompanied these acts. The weakness of the institutions of the rule of law, such as the police and the judiciary, and their inability to protect human rights has ensured this widespread impunity.

Furthermore, the unbridled power of the military over the civilian establishment has been a key feature enabling the lack of effective challenges to the status quo and the continuing prevalence without redress of brutality in Pakistani society and politics. The suspension of the Chief Justice, Iftikhar Mohammad Chaudhry, on March 9, 2007, by the country's previous President, General Pervez Musharraf, and the latter's declaration of a state of emergency on November 3, 2007, in which many Supreme Court judges were removed, with hand-picked replacements selected in their stead, speak to this military dominance.

Asif Ali Zardari, the widower of former Pakistani Prime Minister Benazir Bhutto, won the presidential election on September 6, 2008. Benazir Bhutto, who was standing for election, was assassinated on December 27, 2007, after departing a Pakistan Peoples Aprty (PPP) rally in Rawalpindi. No progress has been made in the Pakistani investigation into the assassination for many months, while a UN probe committee has again requested three further months for its inquiry.



Following a lengthy protest campaign by lawyers, known as the Lawyers Movement, the Zardari government reinstated Chaudhry Iftikhar and other deposed Judges on March 16, 2009, through a presidential executive order.

There had been hopes that following the ouster of Pervez Musharraf, democratic elections and the re-instatement of the judiciary, the human rights situation in the country would improve. As we shall see in the following report, the serious escalation of conflict between the State and militant Islamic forces, resulting in increased violence and terrorism in the country, accompanied by political wrangling and the continuing weakness of Pakistan's civilian institutions and mechanisms of the rule of law, have given rise to one of the region and world's most dangerous security and human rights situations. Added to this is the lack of effective leadership, as embattled President Zardari has been hanging on to power in the face of growing opposition, and the country has found itself facing dire economic circumstances.

It must be recalled that despite the fact that Pakistan has been the scene of several thousand forced disappearances in recent years, according to estimates, as well as widespread torture and of a range of other grave abuses, the country has been a member of the United Nations' Human Rights Council. As the chair of the Islamic Conference of Foreign Ministers and of the OIC Working Group on Human Rights in Geneva, Pakistan has played a vocal role in the Council, although often to the detriment of human rights and the Council's ability to act effectively.

One step forward, one step back – an overview

While the situation in Pakistan has evidently been plagued by further insecurity in 2009, the government has taken certain steps designed to signal its commitment to human rights and improve the situation in the country, and these are to be commended, even if much more is required.

Ratification of international legal instruments: The government of Pakistan had signed International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) and ratified International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2008. Pakistan claimed in its pledges to the international community as part of its election bids to the Human Rights Council in 2006¹ and 2008² that the creation of a National Human Rights Commission was in process, although no developments have been seen concerning this in 2009.

¹ Pakistan's 2006 pledges to the Human Rights Council can be found here:
<http://www.un.org/ga/60/elect/hrc/pakistan.pdf>

² Pakistan's 2008 pledges to the Human Rights Council can be found here:
http://www.un.org/ga/search/view_doc.asp?symbol=A/62/808&Lang=E



Women's rights: The government is also taking certain steps to improve women's enjoyment of their rights in 2009. The National Assembly has adopted bills on violence against women and sexual harassment in the workplace, but these have yet to be passed in the Senate. In another example, concerning land distribution in Lower Sindh, plots started being registered in March 2009 in the name of the women in each family unit. The government has also spoken of creating more employment opportunities and creating financial loan programs for women, but has not yet acted in this respect. When we consider the scale of human rights violations faced by women in Pakistan, these steps, while welcome in their own right, are clearly insufficient. A section later in this report is dedicated to violations of women's rights.

Reinstatement of the Chief Justice: Following a historic protest movement by lawyers, known as the Lawyers Movement, that began in 2007 and has been at the centre of the human rights and political struggle in the country since then, the Zardari government reinstated Chaudhry Iftikhar and other deposed Judges on March 16, 2009. This important culmination gave rise to hopes that the re-instated judiciary would build on momentum and begin seriously tackling cases of grave human rights violations, such as forced disappearances.

However, as 2009 came to a close, such action was still to be witnessed on a convincing scale. The country's powerful groups, including the armed forces, legislators, landed aristocracy have sought to involve the now-high profile judiciary in political issues, hampering its ability to function. For example, while before being removed in 2007, the Chief Justice and supreme judiciary were taking an interest in cases of disappearances, there has been little progress in dealing with these cases since the judiciary has been reinstated. It is alleged that, as the Chief Justice was restored following the intervention of the Army Chief of Staff, the former is under some obligations to the military and progress on cases of disappearances is now virtually non-existent. In 2006 and 2007, before the judiciary was removed, the Supreme Court was becoming vocal concerning the intelligence agencies about forced disappearances. Now, the Supreme Court is calling on the government to produce the disappeared persons.

Increasing insecurity arising from terrorism and military operations

Perhaps the most significant development in 2009 that has a bearing on human rights is the intensification of violence, conflict and terrorism within Pakistan. In previous years, the AHRC has pointed to widespread human rights violations and a system of injustice, the weakness of civilian institutions, the strength of the military and ISI intelligence agency and the impunity with which they operate, the problems arising out the country's parallel judicial systems, as well as the lawlessness and armed conflicts operating in several provinces. These have all contributed to a situation that was vulnerable to overspill from the conflict in neighbouring Afghanistan. Pakistan has become another front in violent conflict that is affecting the region, from Iraq, through Afghanistan, to the country in question. While Islamic fundamentalists have been



training and operating in Pakistan for a number of years, the number of attacks on Pakistani soil has increased dramatically as 2009 has progressed.

As of early December 2009, bomb blasts and suicide attacks on crowded areas, such as market places, and security forces installations had killed over 700 civilians during the year. The military, in response, has been conducting operations in different parts of Northern Pakistan, including the Swat Valley, the Malakand Agency, and North and South Waziristan (which border Afghanistan). The military and government have claimed successes in their operations, but while some operations may have been able to curb Taliban militants in an area or for some time, in general, militancy is spread all over the country and the increasing frequency of terror attacks indicates that much remains to be done. It is very difficult to demarcate clear lines between the military and the militants in Pakistan, as militants have infiltrated the military on the one hand, while the military comprises many that are sympathetic to the militants on the other. Given that Pakistan operates nuclear weapons, the instability in the country and the complexity of allegiances is a concern of global proportions.

The military has been conducting a number of operations against the Taliban and local and foreign Islamic militants in different parts of the country's North West province, particularly in Bajour agency and Malakand agency (including Swat Valley), as well as North and South Waziristan. The Taliban and foreign militants have been operating in these regions, training suicide bombers and producing bombs. In the areas in which they operate, these forces have taken control of governance. They have held Islamic courts that fail to protect internationally accepted norms and standards of fair trials and human rights. This has led to punishments that amount to human rights violations, notably of women. They have also burned down schools, particularly those teaching girls, closed barber and video shops. They have also carried out targeted abductions and killings notably of secular persons and security forces personnel.



A plain-clothed police officer firing live rounds directly at persons demonstrating against disappearances in Karachi (photo courtesy of Dawn).

It is impossible to precisely determine the number of people who have died in extra-judicial killings. Security forces are able to kill with impunity in the name of the elimination of terrorism. Foreign forces also indiscriminately kill innocent people through aerial attacks by remotely-controlled Predator drones, US-made unmanned air vehicles, sent in search of Al-Qaeda linked terrorists. In 2009, more than 120 people



were killed by these drones, and it is estimated that only 30 to 40 of those killed were militants. Investigative reporter Jane Mayer of *The New Yorker* magazine has revealed that the number of US drone strikes in Pakistan has risen dramatically under President Obama. During his first nine-and-a-half months in office, Obama authorized at least forty-one CIA missile strikes in Pakistan, a rate of approximately one bombing a week.

One of the most high-profile critics of the US drone program has been the United Nations Special Rapporteur on extra-judicial killings, Professor Philip Alston. HE has said that the US government's use of Predator drones may violate international law and raised the issue in a report to the UN General Assembly, calling for the US to explain the legal basis for using unmanned drones for targeted killings. Alston also presented a critical report on the drone program in June to the UN Human Rights Council, but, he says, US representatives ignored his concerns.³



The military operations in Balochistan and North West Frontier Province have been responsible for the extra-judicial killings of several hundred persons, including women and children.

Militants and terrorists have reportedly developed cells throughout the country, from where they have been carrying out attacks with the security agencies providing little obstacle. It is claimed that the Taliban and militants were

supported by the State and security agencies during the previous government under General Musharraf.



Islamabad under the siege as security forces suffer attacks by the Taliban (Photo courtesy of www.dawn.com)

³ http://www.un.org/News/briefings/docs//2009/091027_Alston.doc.htm



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As we shall see below, the military have continued to fail to convincingly tackle the militants.

North West Frontier Province (NWFP)

The AHRC intervened on April 7, 2009 concerning the apparent State authorities complicity in the flogging of a teenage woman. The AHRC expressed its grave concern about the internet-broadcasted public flogging of the young woman by Taliban members in the NWFP in mid-March, 2009.⁴

17-year-old Chand Bibi was reportedly found out of her home, buying groceries while unaccompanied. Weeks before, the Taliban and an extremist group led by Soofi Mohammad had brokered an agreement with the government that enforced religious rules, including a law that obliges women to stay inside the house unless accompanied by close male relatives.

The religious authorities made Chand Bibi their first example of Taliban justice, suggesting that spectators record the punishment on their mobile phones. Video footage shows the teenager pinned face-down on the ground, clothed, with two men on her upper body and one holding down her legs, while a fourth flogs her buttocks with a stick in front of a large crowd, thirty-five times. Afterwards positive, proud statements were issued by Taliban spokesmen and journalists for religious news publications. In the days following the beating, she and her family were stifled from making any complaints.

After the failure of peace initiatives with the Taliban and Tehreek-e-Nifaz-e-Shariah Mohammadi (TNSM), the government of Pakistan launched an operation in April 2009, called Rah-e-Rast, carried out by the Pakistan army in the northern parts of the country bordering Afghanistan, on the request of provincial government of North West Frontier Province (NWFP) in order to defeat the militants.

The military operation against the militants was carried out by gunship helicopters, mortar and jet aircraft. The militants were reportedly armed with rocket launchers and other sophisticated arms allegedly captured from allied forces in Afghanistan as well as from the Pakistan army during the siege of three districts over six years. Some media

⁴ For more information on the case of a flogging of a teenage woman, please see: <http://www.ahrchk.net/statements/mainfile.php/2009statements/1977/>



reports claim that arms were also allegedly supplied by the ISI – the intelligence agency of Pakistan.

The army's performance in terms of effectively combating the militants has been criticised. In the first weeks of the operation, the Inter Service Public Relation (ISPR) of the armed forces claimed that more than 90 Taliban fighters had been killed in the military operation, but local media sources claim that the ISPR was providing false information as the most killings were from the civilian population. More than two hundred security personnel including, army persons, were reportedly captured by the militants and about half a dozen were killed during the same period.

Later, the Federal Interior Minister claimed that 1,000 militants were killed during the operation that began on May 5, but could not provide substantial evidence in support of his claim. Collateral damage resulting from aerial bombardment was high as were the numbers of casualties and internally displaced civilians that resulted. Reports from the media and independent sources suggested that there were comparatively more civilian losses than that of militants. There was no independent information as to how many militants and Taliban were killed.

The operation, however, did result in the killings of hundreds of innocent civilians and the internal displacement of an estimated three million persons, notably in the Swat Valley, Malakand agency. The AHRC intervened on May 19, 2009, calling on the government to address the issue of IDP as a top priority.⁵ As the end of 2009, one million IDPs remained and were living with host communities in the North West Frontier Province (NWFP) and other parts of the country.

The exact number of alleged killings is difficult to calculate because the presence of human rights monitors has been limited by the authorities. The International Committee of the Red Cross, which investigates illegal killings, was ordered by the military to leave Swat over matters unrelated to the killings, a senior Pakistani government official and the Red Cross have said.

A fact-finding mission⁶ conducted by a national NGO, the Human Rights Commission of Pakistan (HRCP), to Swat Valley documented accounts of extra-judicial killings by the security forces, the discovery of mass graves in the conflict-hit region, and the continued suffering of the civilian population.

A number of Swat residents have reported sighting mass graves in the area, including at least one in Kookarai village in Babozai tehsil of Swat district and another in an area between Dewlai and Shah Dheri in Kabal tehsil, the three-day mission's report said in

⁵ For more, please see: <http://www.ahrchk.net/statements/mainfile.php/2009statements/2033/>

⁶ AHRC's statement concerning the HRCP's mission:
<http://www.ahrchk.net/statements/mainfile.php/2009statements/2170/>



August 2009. Witnesses who have seen mass burials said that at least in some cases the bodies appeared to be those of Taliban militants, it added.

The mission expressed HRCP's grave concern over the "worrying development" and also over credible reports of numerous extrajudicial killings and reprisals carried out by security forces. The mission said: *"It is vital for the success of the military operation against terrorists that the security forces' actions are distinguishable from the atrocities committed by the Taliban. 'Taliban justice' has been rightly condemned for its brutal and arbitrary nature and was crucial in helping turn the public opinion against the extremists. Treatment of individuals by government must aspire to a higher standard.*

Human rights violations by security forces can only be discouraged if the State puts in place a transparent mechanism to monitor violations both during and post-conflict and fulfills its obligation of providing justice through due process."

The HRCP mission also noted serious difficulties faced by the local population and internally displaced persons (IDPs) returning to Swat. *"The IDPs have returned to find a number of houses in the area damaged in the military operation. Shops in most areas were yet to reopen in August, 2009, and the ones that are open have scarce supplies. The local people demand that the government ensure the supply of essentials to the returning population, including subsidised edibles for the families that cannot afford to buy them on account of financial losses suffered during and prior to the military operation. Restoration of the devastated infrastructure and provision of safe drinking water must be given top priority to prevent the spread of disease."*

Following the operation, a lack of safety and security remained for the people being sent back to the valley from IDP camps, the mission report added. The beheading of a police official in Sangota, Mingora, on July 28 triggered fear among local residents, who had returned to their homes after being assured that the militants had been flushed out of the area.

At year's end, the government and military authorities were still not able to make a clear assessment of the situation arising out of displacement of the millions of the people from the Swat Valley operation, the Rah-e-Rast. A lack of effective rehabilitation processes combined with the continuing threat posed by the Taliban there, has ensured that over one million people remain scattered around the country, particularly in the different cities around Peshawar, the province's capital, with hosts, relatives or friends.



South Waziristan

On October 17, the Pakistan army launched an operation against militants in South Waziristan, called Rah-e-Nijat (the path of salvation). As was also the practice in the operations in Swat previously, the military announced that it would be launching the operation one month before it began. This strategy on the one hand allows civilians to flee, but also provides plenty of advance knowledge to the militants. The militants have been able to dig in, but also had time to carry out numerous terrorist attacks prior to the operation's commencement.

Some media sources claim that the Taliban and militants have supporters within the military and state agencies such as the ISI and that Muslim fundamentalists in the armed forces support militancy as they share the desire to see Islamic Shariah law imposed throughout the country. The Taliban and Muslim militants are generally illiterate, extremely conservative and poor people. However they also appear to have detailed information about the movement of the army and its officers, sensitive installations, security arrangements inside the General Head Quarter (GHQ) of the army, how to use dangerous ammunition and satellite technologies, leading to understandable suspicion that they are getting their information from inside the military establishment. Seven militants linked with the Taliban in the Punjab province, attacked the army's GHQ on October 9 and remained there until late October 10, 2009, taking 44 officials hostage. Despite the low number of militants involved, they managed to take control of the GHQ and disrupt its operations for hours. This attack embarrassed the army and forced it to attack militant safe-havens with greater vigour than had been seen during operations in Swat, although the effectiveness even here remained questionable.

After the military operation in South Waziristan, which was started on October 17, more than 350,000 persons were displaced and had not been re-settled properly by the authorities. Reports suggest that between 79,000 and 100,000 remained displaced as of early December 2009. Most of them took temporary refuge in the nearby district of D. I. Khan where they face food shortages and ill-treatment by members of the law-enforcement agencies.

Balochistan

Military operations have been ongoing in the south western province of Balochistan since 2002. The then-government of General Musharraf decided to construct several military cantonment areas at strategic points in the province - particularly the locations with an abundance of natural resources and minerals. The military is a major land-owner in the country and has wide-ranging investments and business interests. Due to its physical might and its wealth, the military is a major political force and remains above the law in many respects. As with most conflicts, that in Balochistan



can be reduced to a struggle for resources. In order to cover what is a blatant resource-grab, the then-government allegedly launched a military operation in the province – the fifth major operation in 60 years.

At the time of the creation of Pakistan in 1947, Balochistan, which was then known as Qalat state, was not the part of the country. However the founder of Pakistan, Mr. Jinnah, annexed this part through military action. Since 1959, the country's armed forces have been vying to control the province's natural resources. These resources include natural gas, plutonium, cobalt, copper, gold and silver.

During the military operations more than 3500 people have reportedly been killed in the province. Pakistan Air Force jets have been used to bombard those areas where there was resistance. Disappearances after arrest by members of the security forces were a new phenomenon in Pakistan after 9/11 and the beginning of the "war on terror." Disappearances have, however, become a widespread practice since then, and the military refuses to respect the orders of the judiciary to locate and produce the disappeared.

Since the beginning of the War on Terror, the province had become the main target of continuous military operations. The Pakistan Air Force had conducted numerous aerial bombings and deployed gunship helicopters on unarmed people. According to nationalist groups, more than 4000 persons are missing from the province alone.

According to information from local groups, Balochistan continues to be ruled as a colony. It provides resources to the federal government and dominant provinces. Severe poverty and deprivation defines much of the province. 88% of the population of Balochistan is under the poverty line. Balochistan has the lowest literacy rate, the lowest school enrolment ratio, educational attainment index and health index compared to the other provinces. 78% of the population has no access to electricity and 79% has no access to natural gas. The federal government's presence is made apparent not through public welfare activities but through violence and aggression. A large number of military and paramilitary troops (above 37,000) have been stationed in different parts of the province. State-perpetrated violence has become a common feature of the political landscape of Balochistan. Disappearance of political activists and extra-judicial killings has also become very common.⁷ Obviously this situation has given rise to extreme resentment.

The Frontier Constabulary (FC), a paramilitary force working under army, has been mandated to enforce law and order, giving rise to widespread abuses.

Extra-judicial killings in Balochistan: There are many cases of extra-judicial killings, one of the worst possible human rights violations, in Balochistan.

⁷ <http://www.ahrchk.net/statements/mainfile.php/2009statements/2280/>



For example, soldiers attached to the Frontier Constabulary of the Pakistan Army attacked a wedding party on the night of February 3, 2009, killing 13 people including the bride, the groom, 6 other members of the family and the wedding officiator.⁸ 21 people were injured – the majority of them were women. It has been reported that the attack was in retaliation to an incident on February 2, in which unknown assailants had killed three soldiers of the same constabulary.

The incident occurred at a place called Dashte Goran, 18 kilometers from the town of Dera Buti. This town has remained under military occupation since 2002 and had also been bombed repeatedly by the Pakistani Air Force. The According to some media reports, when the FC soldiers saw the large crowd gathered outside the wedding house, they were scared and attacked the house. They indiscriminately fired into the wedding party on the pretext that they had been shot from inside the premises. Apparently the FC officers had not even bothered to ask people outside the house what was going on inside. After the massacre, the FC members were seen taking away the dead with them in three military trucks.

The identities of the victims killed by the FC have now been revealed. They are: Maulana Qazi Gul Din son of Paher Din, Mandoz son of Muhammad Bijar (the groom), Ali Baig, Pir Bux, Ullo, Todhoo, Kakar, Behram, Bahar Khan, Baran Baloch, Thalu Khan, Kakeer, the bride and the wedding officiator, Nikah Khawn. Among them, Ali Baig, Pir Bux, Ullo, Todhoo, Kakar, Behram and Bahar Khan belonged to one family.

Due to the ongoing military operations in Balochistan, members of the FC have been given the authority to shoot on sight any person they suspect of a crime.

In another unrelated incident, a young unarmed man was shot dead during his cousin's wedding party by a police officer in Panjgore district, Balochistan province. At around noon on May 31, 2009, a police chased a car of armed men into a village, where the men disbanded after a shoot out. The village was Mohalla Gharibabad, UC Chitkan, Panjgore, and a wedding party was taking place nearby. At the first sign of shooting the wedding guests took shelter in nearby houses. Spectators have noted that although the armed men ran off in the opposite direction, police continued to shoot indiscriminately in the area, resulting in the shooting of the young man. The Assistant Sub Inspector accused of the shooting has defended his own authority regarding who he does and does not choose to shoot. Despite protests, no case against him has been lodged by police.⁹

Separately, the targeted killing of non-ethnic Baloch teachers began in summer 2008. It is believed by many to be part of a government ploy to divert attention away from

⁸ <http://www.ahrchk.net/statements/mainfile.php/2009statements/1865/>

⁹ <http://www.ahrchk.net/ua/mainfile.php/2009/3167/>



the military operations that have resulted in numerous civilian casualties and disappearances there, and to fuel ethnic tension. Law enforcement agencies have blamed Baloch nationalists and separatist groups for the killings. Since they began, at least six college principals and three school teachers have been murdered. There are around 4000 non-Balochi speaking teachers working in the province (most ethnic Punjabis) and many are now leaving out of fear for their lives.

An incident in August put a temporary halt to the year-long targeted killings of non-ethnic Baloch teachers in the province. It also clearly exposed the hand of State agencies in the deaths and the resulting province-wide unrest.

On August 22, 2009, two men were captured by residents of Mastung (near Quetta) as they were trying to kill Mr. Haji Saleh Mohammad, a teacher from the area -- they shot at him from a motorbike and were promptly pulled off, and apprehended by the crowd. Employment cards found on the men identified them as Mr. Asghar Ali and Mr. Amir Hamza, officers of the Intelligence Bureau (IB). Their capture confirmed what many had suspected – that the authorities were behind the killings in order to fuel discontent and provide a diversion from the unpopular military operations in the province.

The Mastung city police fuelled this conclusion further, with an open reluctance to file reports against the officers. However they finally arrested them, following protests by locals. Outrageously, officials of the Frontier Constabulary (FC) and the Pakistani Army even tried to rescue them from the station in official vehicles, but the locals physically prevented it. Immediately after the incident the ongoing waves of attacks against teachers in Balochistan saw a temporary lull.

The provincial government and state agencies have tried to prevent the news of the IB officers' arrest from going public. Some newspapers have reported pressure from the military and paramilitary forces to remain silent.

Police threaten indiscriminate revenge killings in Balochistan: In response to an increase in violence committed by nationalist militants, a high-ranking police official threatened in a press conference on August 21 to begin killing people indiscriminately in the province in retaliation.

Mr. Ghulam Shabbir Shiekh, the deputy inspector of police, Naseerabad range, announced that the police would kill 40 local persons in revenge for the militants' alleged abduction and murder of 20 policemen in July and August. No targets, however, were specified. Mr. Shiekh also threatened that if any bullet was fired at the police, the police would fire 100 bullets indiscriminately back at the locality from where the bullet was fired. If any rocket was fired at police stations, the police would fire 10 rockets back.



The announcement by Mr. Shiekh was the most recent attempt by Pakistani state agencies to instil fear among Baloch nationalists. Earlier, in January, 2009, journalists received threats from the Director of the Inter-Services Public Relations (ISPR) for writing editorials demanding investigations into allegations that the army is running torture cells and detaining female prisoners. The Director, who also holds the rank of Major General, threatened to withhold official advertisements and payments from the newspapers if they continued their “malicious” campaign against the army. Some television channels disclosed the threats publicly, but the Federal Minister for Information denied that the ISPR Director has made any such announcement.

Forced disappearances: Forced disappearances by the State are a serious problem in Pakistan. The AHRC has in previous annual reports and statements, expressed grave concern about the number of forced disappearances being perpetrated in Pakistan, which places it amongst the worst violators in the world, with thousands of cases thought to have taken place in the country’s various conflict-affected areas in particular. The AHRC’s sister-organisation, the Asian Legal Resource Centre (ALRC), has also intervened in the UN Human Rights Council concerning this pattern of grave abuse.

Pakistan’s military and intelligence agencies, which include the Intelligence Bureau (IB), Federal Investigation Agency (FIA) and Inter Service Intelligence (ISI) and military Intelligence (MI) are allegedly involved in perpetrating these abuses and only when Pakistan’s civilian government finds a way to effectively control these, will such abuses be preventable.

The military operates cantonments that include torture camps, in major cities including Karachi, the main commercial and industrial city, Rawalpindi, Quetta, Lahore and Peshawar, where people are taken, disappeared and severely tortured. This has been described in detail by the persons who were released after lengthy detention there.

There were approximately 100 cases of disappearance in Pakistan between April 2008 and March 2009. During 2009, more than 40 persons were disappeared after their arrest by the state intelligence agencies, ten political workers were killed and dozens were arrested and some of them, who were wanted in Iran, were handed over to Iranian authorities when among them three persons were executed in the Seestan, Iran. The police typically claim they know nothing about the illegal arrests and subsequent disappearances.

Under the state of emergency declared by General Musharraf on November 3, 2007, a Constitution (Amendment) Order, dated 20 November 2007, was issued. Under this amendment’s section 6, the addition of Article 270AAA to the Constitution ensures that no acts performed by any State authorities or members thereof can at present be challenged in any court in Pakistan, including the Anti-Terrorism Court or the High



Court. This amendment continues to grant total de facto impunity to all State-actors in Pakistan. In order to undo this amendment to the Constitution, the Parliament (the Senate and the National Assembly), is required to vote to do so with a two-thirds majority. However, the new government has failed to undo the amendment, which remains an obstacle in preventing the violations of human rights regarding on disappearance and arbitrary arrest.

Concerning Balochistan in particular, victims are usually arrested by personnel of the Frontier Constabulary during the day and are taken away to unknown places in jeeps without number plates. They are then transferred to isolated military-run torture cells and are kept until confessional statements have been forcefully extracted. Among the number of disappeared cited above, as many as 18 students and young activists allegedly affiliated with the Baloch nationalist movement are thought to have been arrested and then disappeared in between June and mid-July, 2009, in the run up to a meeting was held between the Prime Ministers of India and Pakistan at Sharm-el-Sheikh. The meeting in Egypt resulted in a joint statement being issued on July 16, 2009, in which India accepted its involvement in subversive activities with the nationalist movement in Balochistan.

Students and young people alleged to be sympathetic to the movement were disappeared by law enforcement agencies such as the FC. They were reportedly been detained and tortured in order to extract statements that implicate India in Balochistan's insurgency.

Three Baloch nationalist leaders were killed after their abduction by plain clothes men in unmarked vehicles that bore no registration plates on April 3, 2009. They were taken from the chambers of a prominent lawyer and their deaths have raised several questions on the role of state spy agencies, particularly about military intelligence (MI). All three murdered persons, Ghulam Mohammad Baloch, Sher Mohammad Baloch and Lala Muneer Jan Baloch, were earlier kidnapped by the military intelligence agencies during 2006 and 2007 and each of them were disappeared for several months. After their release it was revealed that they had been kept in the different military torture cells and severely tortured. They all were interrogated by the military officers about the Balochistan Liberation Army (BLA) and funding for nationalist movements in the province against military operations.

The MI are suspected of involvement as the three leaders were witnesses as they all previously disappeared by the army and kept in different military torture cells and could prove dangerous in any probe about disappearances.

As of mid-October, no progress has been made in the investigation into their killing. It is reported that the army and FC are creating obstacles for the civilian administration hindering progress in the case. Eye witnesses have been threatened by the officials of



intelligence agencies and most of them have left their places of residence due to the lack of protection from the civilian government.¹⁰

The Human Rights Commission of Pakistan (HRCP), a local NGO, arranged a fact finding mission to investigate the case. The results so far include the observation that as, per the eyewitness statements, previous abduction cases of the Baloch leaders show that the secret security forces of Pakistan were behind the disappearance of the three Baloch nationalist leaders. A first information report (FIR), a police case, was registered against the Inspector General of the frontier corps, a colonel of Military Intelligence (MI) and a major of the Inter Services Intelligence Agency (ISI) based in District Kech. It was further reported that the bodies of the three men were found in the Sadar police area, district Kech, which is 200 km away some from the Iranian Border, which strongly contradicts the statement of the Inspector General (IG) frontier corps that they were found near the Iranian border.¹¹

In another case, Zakir Maheed, an active student leader, was allegedly abducted by an intelligence agent on 8th June, 2009 near Quetta. Majeed was the vice chairperson of the Baloch Student Organization-Azad (BSO). The Baloch Students' Organization-Azad lobbies for the basic rights of the Baloch people in Pakistan, and is thought to be the largest platform for students critical of military action there. Some men in casual clothes from two Toyota cars without number plates said they were intelligence agents working for the Pakistan army and took Majeed away.¹²

Separately, postgraduate student Miss Karima Baloch, 23, has just been sentenced to three years in prison and fined Rs 150,000 (US\$ 1,875) after she and several other women demonstrated in August 2006 against disappearances. The charges were made in her absence since she has yet to be found and arrested, and they were based mainly upon the removal of a flag from a government building without authorisation (under section 123 B of Pakistan penal code). She has been charged with defiling the flag and with sedition, which under section 124 A of PPC means 'whoever by words or by sign or by visible representation excite(s) disaffection towards the federal or provincial government.' The sentence was given by the Anti Terrorist Court (ATC) in Turbat, Balochistan province on June 2, 2009.¹³

Beside student leaders, politicians and those who actively involved in political social movements also have a high chance of being arrested and going missing. On 23rd August, 2009, Rassol Bux Mengal, joint secretary of Baloch Nationalist Movement (BNM), was abducted. On 31st August Mengal's body was found hanging from a tree. There were wounds from serious cigarette burns and torture over the body, as well as

¹⁰ <http://www.ahrchk.net/ua/mainfile.php/2009/3145/> and

<http://www.ahrchk.net/statements/mainfile.php/2009statements/1984/>

¹¹ <http://material.ahrchk.net/pakistan/AHRC-STM-212-2009-HRCPTurbatFactFindingRpt.pdf>

¹² <http://www.ahrchk.net/ua/mainfile.php/2009/3175/>

¹³ <http://www.ahrchk.net/ua/mainfile.php/2009/3175>



words carved by sharp weapons saying, 'down with BLA (Balochistan Liberation Army)'.¹⁴

Furthermore, Ehsan Arjumandi, an Iranian political activist who holds Norwegian citizenship, was forcefully abducted by armed men from a bus between Balochistan province and the capital of Sindh province, Karachi on 7th August, 2009. Arjumandi was actively involved in campaigning for the rights of Balochistan. He also worked as a translator for the Foreign Ministry of Norway Police Department.¹⁵

Women are being disappeared and used as sex-slaves by the army. NGO, Anjuman-e-Ittehad-e-Marri has collected statistics about the disappearance of women from Balochistan, according to which 179 women are missing after their arrest or during migration from one place to another.

Ms. Zarina Marri, a 23-year-old schoolteacher from Balochistan province, was arrested in late 2005 and was held incommunicado in an army torture cell at Karachi, the capital of Sindh province. She was repeatedly raped by the military officers and is being used as a sex slave to induce arrested nationalist activists to sign state-concocted confessions.

Mr. Munir Mengal, the managing director of a Balochi-language television channel, was arrested on April 4, 2006 from Karachi International airport by the state intelligence agencies. Mengal was transferred to a military torture cell in Karachi for nine months.¹⁶ He narrated the story of the forced sex slavery of the young teacher, Zarina Marri, whom he encountered in a military cell. According to the Reporters Without Borders (RSF), Mr. Munir Mengal witnessed many human rights violations in this military prison. Mengal says that, "a young Balochi woman, Ms. Zarina Marri, was used as a sexual slave by the officers. They even once threw her naked into my cell. I did not know what had happened to this mother of a family who was arrested by the army in our province."

Another Balochi nationalist (name omitted by request) was arrested by the military intelligence agency twice and was kept in military cells in different cities. The person has confirmed to the AHRC that there were young Balochi females seen in those two torture cells naked and in distress. Prominent Balochi nationalist leaders say they are aware that young Balochi women are being arrested and disappeared either during or after protest demonstrations concerning the disappearances. They are also aware that those women are sexually abused in military custody. Even so, the prominent Balochi nationalist leaders cannot talk about these issues publicly due to fear for the security of their families.

¹⁴ <http://www.ahrchk.net/statements/mainfile.php/2009statements/2203/>

¹⁵ <http://www.ahrchk.net/ua/mainfile.php/2009/3235/>

¹⁶ <http://www.ahrchk.net/ua/mainfile.php/2006/1666/>



Faced with no other recourse, family members of the missing have taken to camping outside the Supreme Court complex in protest in November 2009. The Supreme Court recently relented to one group, stationed there from 2 to 17 November, and assured them that the fate of their loved ones would be examined and their cases tried. But the judges involved have since done little - suspected perpetrators from the state agencies have not been faced questioning or held to account. Given this impunity, it is likely that we will see more victims being arrested and disappeared in future, unless serious steps are taken.

The end of conflict in sight in Balochistan? The examples mentioned above reflect the serious situation of human rights in Balochistan, which continues to be a grave concern despite the government's promise to revive law and order. After the removal of General Musharraf, the newly elected government of Asif Zardari announced in 2008 that military operations in Balochistan would be halted. Prime Minister Syed Yousuf Raza Gilani and government parties apologized before the parliament for military excesses committed during the operations there. However, Prime Minister Gilani has also accused nationalist groups of being run by Indian agents. It is important for the authorities to send a clear and predictable message that they are committed to bringing conflict and rights abuses to an end in Balochistan.

Illegal arrests, extra-judicial killings and cases of disappearances have continued to take place as they did during the military regime of Musharraf. Personnel of the Frontier Constabulary (FC) have arrested victims during the daytime and taken them away in jeeps without registration plates. Victims are reportedly being transferred to military-run torture cells and kept in incommunicado detention until confessional statements have been forcefully extracted.

However, on November 24, 2009, the government of Pakistan introduced in a joint session of the National Assembly and Senate a withdrawal plan that will bring to an end nearly eight years of military operations and abuses. The five-tier package, which includes components on constitutional, political, administrative, economic and monitoring mechanisms, envisages the withdrawal of the military, which would be replaced by the Frontier Corps, a paramilitary force.

The package also includes the release of all political workers and the withdrawal of cases against those persons that have not been charged. Missing persons with charges against them would be brought in front of a court for trial within seven days. They would be provided with legal counsel of their choice and the government would assist them in this regard. Family members would be informed accordingly and have visiting rights. The AHRC has repeatedly highlighted the severity of the numerous, human rights violations that have been taking place in Balochistan and welcomes the proposed plan to tackle forced disappearances in particular. Balochistan is the scene of allegations of thousands of disappearances in recent years, making it one of the worst places for this grave abuse in the world. The AHRC sincerely hopes that this plan will



be implemented in full, as this will be a significant step in the right direction and a start for the political solution to the crisis of the province.

Censorship and attacks on the media during military operations

During military operations in the NWFP and South Waziristan, the military and State agencies have sought to silence any voices critical of their actions in the media. Such actions have also been seen in the context of military operations in the South Western province of Balochistan, where the army has been conducting operations since 2002 against nationalist and secular forces.

During the military operation in the Swat Valley, journalists' access was prevented and movement controlled by military officials. Members of the media were pressured by the authorities not to publish any independent reporting, with only information emanating from the military's public relations office, the Inter Services Public Relations (ISPR), being allowed to be published or broadcasted.

On November 9, the AHRC issued a statement concerning restrictions on the media in military operations in South Waziristan.¹⁷ In the statement, the AHRC noted that ISPR officers have been calling media officials to their offices and telling them to stop covering the news independently and to use only the ISPR press notes or information from the daily briefings of the ISPR.

Journalists were only allowed to remain in Dera Ismail Khan, a city of the North West Frontier Province (NWFP) close to South Waziristan, where persons displaced by the military operations were arriving for aid. Journalists were prevented from entering South Waziristan. Only when the military was successful in some phase of the operation did they allow media personnel to cover the specific situation. Since the operation started, the military had taken selected journalists on helicopter tours to the affected areas on only two occasions. The journalists have been taken from Islamabad, the capital, and from Peshawar, the capital of NWFP, respectively. However, they were not allowed to move about freely or without supervision.

While journalists' security must be an important consideration for the military when they conduct operations, and while this may entail some restriction of journalists' movement in circumstances of particular danger, blanket restrictions of the type in operation in Pakistan serve mainly to ensure that there is no independent scrutiny concerning the actions of the military during their operations. Given the reports of numerous civilian deaths and a wide range of abuses attributable to the military in Pakistan, these restrictions are a major concern.

¹⁷ Restrictions on the media in military operations in South Waziristan:
<http://www.ahrchk.net/statements/mainfile.php/2009statements/2285/>



An example of the pressure being placed on the media can be seen in the case of the BBC's Urdu service, which is known to be disliked by the army as it broadcasts interviews through telephone calls directly from military operation zones. In an effort to stop the BBC Urdu programmes, particularly its Sairbeen programme, the Pakistan Electronic Media Regulatory Authority (PEMRA) was used to block the many FM radio stations that broadcast the BBC's Urdu news on the hour, for 16 hours a day. Those stations are: FM 103, FM106.2, FM 107, FM Apna, FM Ninety-One, FM Okara, FM Highway and FM Gujrat and Islamabad. However, the BBC Urdu broadcast was not stopped in Pakistani held Kashmir.

Reporters Without Borders (RSF) has been monitoring media censorship during the military operation in South Waziristan. RSF says that PEMRA has ordered some radio stations not to broadcast BBC Urdu-language news programmes, while Parliament is preparing to ratify drastic censorship legislation dating from the era of General Pervez Musharraf. "We thought that Pakistan had rid itself of the censorship impulse, but PEMRA and the political parties are once again making decisions that go against the interests of the Pakistani people", the worldwide press freedom organisation said.¹⁸

The BBC Urdu Service officials based in Islamabad claim that on at least two occasions the ISPR's offices in Islamabad and in Peshawar city, have called on them not to report independently from the military affected areas, on the pretence that it would help the militants.

Pressure on the media can take a far more brutal form, however. Killings and attacks on journalists in the military operation zones have been perpetrated with impunity, as no proper investigations have been conducted. In many cases, the militants have been blamed by the authorities for any attacks on or killings of journalists, but these accusations have been made without credible investigations having taken place. Pakistan ranks 10th in the world among countries concerning the killing of journalists. Eleven journalists have been killed in Pakistan since 2000, according to the US-based Committee to Protect Journalists.



In one example, 28-year-old local journalist and television correspondent, Mr. Musa Khankhel, was forcibly disappeared on February 18, while covering a procession led by Maulana Sufi Mohammad, a religious leader in Swat, in the NWFP.¹⁹ The procession was to celebrate a peace agreement with the government which would see Islamic Sharia laws implemented in the valley. He had been threatened several times by government security forces for his independent reporting. He had also been kidnapped and tortured twice before by security forces. As a journalist, he was not popular among militant groups either,

¹⁸ <http://www.ahrchk.net/statements/mainfile.php/2009statements/2282/>

¹⁹ <http://www.ahrchk.net/statements/mainfile.php/2009statements/1913/>



including the Taliban and the group lead by Maulana Soofi Mohammad, Tehrik Nifa-Shariat Mohammadi (TNSM).

On the day he was disappeared, friends and relatives say that Khankhel mentioned hearing that 'today one journalist may be killed,' through sources in the security agencies stationed in the war zone. Because of this he told prominent senior journalist and anchor person, Mr. Hamid Mir, to be extremely careful, should he choose to visit the area.

After Musa Khankhel's body had turned up in the Matta sub district, the government, TNSM and the Pakistan Federal Union of Journalists (PFUJ) announced the formation of separate probe committees into his death. No one laid claim to the murder. The government assigned the Inspector General of Police in the province to investigate the incident, but neither he nor TNSM's committee had reported any findings as of early December 2009. Only the probe committee of PFUJ appears to have started a concrete investigation, and Mr. Mohammad Riaz, the chief of the PFUJ committee, has visited the area in question. He reports that the atmosphere there is tense and few civilians are willing to discuss Khankhel's death; they are scared of harassment from both sides, the militants and the security forces, should they talk. The latter are known to brutally and often arbitrarily mete out punishment in the more remote parts of the country, and disappearances here are not uncommon. There are also no police in the area. Without committed government intervention - a high judicial commission - to probe the killings, Riaz says, it will not be possible to unearth the 'truth'. Information gathered by the AHRC points, increasingly, at Pakistan's wayward security forces for the murder.

In another case, veteran journalist Raja Assad Hameed was gunned down on March 25, outside his home in Rawalpindi, Punjab province. Mr. Hameed worked for Waqt TV and The Nation, an English-language newspaper. The incident casts further serious doubts on the commitment of Pakistan's authorities to ensure that journalists are safe, notably those that are critical of its actions. Mr. Hameed was also critical of security agencies for not tackling properly the militants. In such cases, the authorities are suspected of carrying out killings of journalists.

On August 24, 2009, Afghan journalist Janullah Hashimzada was killed by unknown attackers. According to the committee for protection of journalists (CPJ), a white car intercepted a public minibus carrying Hashimzada and a colleague, Ali Khan, in Khyber Agency near the border with Afghanistan. The journalists, who worked for Afghan Shamshad TV, were returning from Afghanistan to Peshawar, the reports said. Three gunmen from the car fired on the journalists, killing Hashimzada and injuring Khan in the neck, according to the Associated Press.²⁰ Hashimzada also provided reports for the AP, Pajhwok Afghan News agency and other news outlets.

²⁰ <http://www.rsf.org/Afghan-journalist-shot-dead-in.html>



Unidentified gunmen in Pakistan's North West Frontier Province shot and killed news correspondent for the independent Aaj TV channel Siddique Bacha Khan²¹ on August 14, in the city of Mardan Bacha Khan, before fleeing the scene, the channel reported. In two separate incidents in July, two journalists²² working in the border area with Afghanistan said militants ransacked and destroyed their homes in retaliation to their reporting.

According to the KhUJ and the English-language daily *The News*, the home of Behroz Khan was looted and ransacked several times before being burned in Balo Khan village, Buner district, North West Frontier Province.²³ Khan is a senior journalist who works for Geo TV and has assisted CPJ investigations in the Federally Administered Tribal Areas in the past.



Rahman Bunaireeri

In the night of July 8, 2009, around 60 persons claiming to be Taliban, attacked the house of journalist Mr. Rahman Bunaireeri, in Poland, Buner district, NWFP.²⁴ The Pakistan army had been conducting operations against the Taliban in the area during the previous two months. The members of the Taliban planted dynamite around the house and blew it up in the presence of his family. They informed Brunairee's family that they had followed orders from the leadership of the Taliban movement.

Furthermore, they made threats that if Mr. Rahman Bunairee, who works for Voice of America, Pushto bulletin, and is also the bureau chief of Khyber television channel at Karachi, does not stop the "malicious propaganda" against the Taliban then his entire family would be assassinated and used as a lesson for the entire journalistic community. At the time, Mr. Rahman Buner was in Karachi city. His three sisters in law, his father and eight children were held at gun point, although no one was injured.

Conflict between institutions crippling efforts to protect human rights

Although parliament and all the provincial assemblies are working, the devolution of power remains the main obstacle for the creation of the democratic institutions in the country. The 17th amendment to the Constitution of Pakistan, introduced by the Musharraf government in 2004 provides all power of governance to the president. Pakistan operates a parliamentary system in which the Prime Minister holds power, with the President acting as head of state, with the role of signing recommendation from the parliament. The 17th amendment changed this in order to give the bulk of powers to the President, notably by making the President the Commander in Chief of the military, which has caused imbalance in the political structure and led to abuses of power and related rights abuses under Musharraf. This has still not been removed.

²¹ <http://cpj.org/2009/08/pakistani-tv-reporter-shot-dead.php>

²² <http://cpj.org/2009/07/fear-growing-as-another-pakistani-journalists-hous.php>

²³ http://www.thenews.com.pk/daily_detail.asp?id=187607

²⁴ <http://www.ahrchk.net/statements/mainfile.php/2009statements/2127/>



Under these conditions, the parliament is effectively under the control of the President. Under article 58(2)B of the Constitution, which was amended by a previous military ruler, General Zia Ul Haq, the President can dismiss the government, if the President feels that the parliament is not working properly – or in line with the President's interests. The current President Zardari is allegedly hindering efforts to remove this amendment, as he reportedly wants to keep it to ensure 'that other forces can not interfere in the smooth running of parliament.' This amendment can only be removed by a two-thirds majority in the joint session of the National Assembly and Senate.

The central conflict that is preventing Pakistan from developing democratic institutions that are capable of safeguarding human rights, is that between the civilian government and the military. The military establishment is very powerful, and has been previously stated, does not just fulfil the role of defending the country, but is also a large-scale land-owner and has wide-ranging commercial interests and therefore political interests. Furthermore, the military's grim human rights record over the years in terms of grave and widespread violations against the people of Pakistan, means that it actively seeks to ensure that the country's institutions of the rule of law do not strengthen to the point that they are able to challenge the military's impunity. The struggle between President Pervez Musharraf, who was a General heading the military and the Chief Justice who he removed, leading to the lengthy and often bloody Lawyer's Movement, is a clear symptom of the tensions between the civilian and military establishments. While Musharraf was ultimately ousted, it has become clear in 2009 that the army remains powerful and that the civilian government has not been able to strengthen its role or institutions. The legislature remains weak and unable to remove residual legislation and amendments left by the previous military-government, thus ensuring the continuing supremacy of the military and continuing impunity concerning human rights abuses.

The army has sought to keep the upper hand concerning several key issues, such as foreign affairs, finance and law and order. The military enjoys strong support from right-wing political parties – such as the PML-Q (General Musharraf's party), Jamat-e-Islami, MQM, and Imran Khan's Tehreek-e-Insaf - that greatly strengthen its hand in the political processes.

The army is believed to be holding grudges against the current government for taking independent decisions on foreign policy or the country's relationship with the USA without involving the army. This has irritated the military establishment and its allies in the bureaucracy, landed aristocracy, major media houses and banks. Since 1990, Zardari has had the reputation of being among the most corrupt persons in the country, and now the army and other groups have to salute him, which irks them. According to the 17th amendment the President is the commander of the armed forces and appoints chiefs of the armed forces. The President and the military have other bones of contention.



For example, Zardari made an offer to India in early 2009, to enter into a non-proliferation agreement concerning nuclear technology, which has irritated the army. The President has allowed cross border trade with India through the Line of Control (LoC), a disputed border line between both sides of Kashmir. On the issue of Balochistan, Zardari made an apology to the people there for the conduct of the military operations. Furthermore, the Prime Minister announced in August 2008 that the ISI, the country's notorious intelligence agency, would work under the Ministry of the Interior. This created a strong reaction from the army and the government had to abandon this proposal. Finally, the military appears to be irked by the fact that the Zardari government holds closer ties with the government of the USA, whereas previously the military held stronger relations. Under the Kerry Lugar Bill passed by the US Congress, 7.5 billion dollars of aid are provided to Pakistan. This bill requires assurances be given concerning the non-proliferation of Pakistani nuclear technology; that most of the aid will go to the social sector and not the armed forces of Pakistan; that terrorist training camps running in Pakistan should be closed down and that the military will remain under the civilian rule.



On October 9, the AHRC issued a statement calling for the parliament and government of Pakistan to constitute a high powered judicial commission to probe the interference of the army generals in the politics of the country and take the generals to task for using extra constitutional methods to undermine the democratic functioning of civilian rule concerning the Kerry Lugar Bill.

The government of President Asif Zardari also does not have the political strength to push for reforms and undo the illegal actions of the previous military government. The PPP government does not have absolutely majority in the parliament and therefore requires the alliance of parties that were part of the Musharraf government.

In addition, and to complicate things, the mainstream media in Pakistan have in the past gained financially from keeping on the military's good side, as the military provides them with funds through advertising. A significant portion of media houses are therefore antagonistic to the civilian government, and have imposed self-censorship concerning many issues, notably those pertaining to human rights violations by the security forces.

The judiciary is also at loggerheads with the parliament concerning the modification of laws and ordinances put in place by the previous government. In its decision to declare the country's recent state of emergency that was imposed by President Musharraf as illegal and unconstitutional, the Supreme Court referred the matter to parliament to decide upon the removal of ordinances.



The role of the judiciary in improving the respect for human rights:



As has been mentioned previously in this report, the judiciary has been at the heart of political developments in Pakistan since the Chief Justice, Iftikhar Mohammad Choudhry, was removed for his position by then-President Musharraf on March 9, 2007, on the grounds of misconduct. The Chief Justice fought back and was reinstated July 20, 2007.

The judiciary was deposed on November 3, 2007, by the imposition of a state of emergency by President Musharraf in his capacity as Chief of Army Staff (COAS) which was supra-constitutional. Around 60 senior judges were placed under house arrest. Because of the state of emergency the constitution was put in abeyance and fundamental rights were suspended. A parallel, stooge judiciary was established to approve as legal the executive's illegal and unconstitutional steps. Cases concerning disappeared persons, and corruption were suspended in the courts.



Along with numerous demonstrations and other civil actions, the Lawyer's Movement launched a long march that is credited with exerting sufficient pressure on the Zardari government to reinstate the judiciary. The Zardari government had made repeated promises to do so, but it was only March 16 the deposed judiciary was restored by the intervention of the Chief of the Army Staff (COAS) and the civilian government accepted the orders of the COAS, following lengthy stalling by President Zardari on this matter. This stalling was further evidence of the Zardari government's weakness and inability to take concrete action due to political paralysis stemming from a need to placate too many divergent political forces in order to survive in power.

On May 4, 2009, following the restoration of the judiciary, the Supreme Court announced the new National Judicial Policy. The policy aims to ensure speedy justice, eliminate corruption and ensure the independence of the judiciary.

The new policy will ensure disposal of criminal cases within a period of three months while murder cases would be decided preferably in a period of six months. Likewise, priority would be given to quick disposal of cases concerning women and juveniles as well as matter relating to bail. The policy also bars Supreme Court and high court judges from officiating as provincial governors and tightens the procedures to curb corruption.



In each high court, a cell would be established under the registrar for eradicating corruption from the judiciary. Similarly district and sessions judges would also report about corruption and misconduct of their subordinate judges.

As of June 09, in total around 140,000 cases were pending in the Supreme Court and high courts of Pakistan. 19,055 cases were pending in the Supreme Court, 2,092 in the Federal Shariat Court, 84,704 in the Lahore High Court, 18,571 in the Sindh High Court, 10,363 in the Peshawar High Court and 4,160 in the Balochistan High Court. Apart from this there were 1,565,926 cases pending before the subordinate judiciary in the four provinces, including in session courts and magistrate and civil courts, banking courts, anti-corruption courts and anti-terrorist courts.

After the restoration of the judiciary, Chief Justice Iftikhar Choudhry, visited several prisons, resulting in a number of detainees that were under trial being released. These persons had almost completed the length of their possible sentences while being detained while under trial. More than 5000 prisoners were released. The government has also begun acting on prison reforms introduced by the Chief Justice.

On December 5, the Law and Justice Commission, under the chairmanship of the Chief Justice, banned the traditional feudal and tribal practice used by Jirga courts, in which men accused of having illicit relationships have to prove their innocence by walking on burning coals.

The national judicial policy could prove to be a key step for the speedy conduct of trials and the quick disposal of the cases, if it is implemented. This ambitious plan has still not started, and lawyers are showing resentment and resistance to being rushed. Without the consent of the lawyers courts cannot set early dates of the hearings. The shortage of judges and staff in the higher courts is proving to be another hindrance to the implementation of the policy. In Supreme Court there are 17 judges and to deal with 19,055 cases, that means that every judge has to deal more than one thousand cases in a year which is evidently impossible. While the policy is welcome in terms of aims, it requires the significant input of resources and is unrealistic as it stands at present in terms of the capacity of the limited numbers of qualified judges.

Another problem remains political interference in the country's courts, which has continued throughout 2009, leading to the higher courts continuing to avoid dealing with controversial cases, such as the many cases of disappearances in the country. On November 20, 2009, the AHRC released a statement concerning this that read:

"It may have a recently-restored judiciary and an elected government that claims a strong interest in the rule of law, but Pakistan is seeing little progress in the hundreds of missing person's cases still pending. Pakistanis continue to be regularly 'disappeared' after arrest.



With the police force exposed as increasingly negligent and corrupt, the responsibility of identifying such cases and intervening has long fallen to the judiciary. Judges taking suo moto action have secured the rescue of numerous persons from illegal military detention in the recent past, and this is widely believed to have been a major motive behind the sacking of the Supreme Court judges in 2007 by then-President and Army Chief, Pervez Musharraf. Yet despite the restoration of the Judiciary with its Chief Justice Iftikhar Chaudhry in March after a long civil struggle and with the support of current Chief of Army Staff General Kiyani, there has been a marked decline in the response from the courts to appeals from the family of the missing. Leading figureheads in the lawyers' movement, such as Mr. Ali Ahmed Kurd, former president of Supreme Court Bar Association, have been renewing their criticism of its performance. The change has been raising questions about the court's allegiance to civil society versus its sense of obligation to his supporters in the army.

In response to this institutional indifference, family members of the missing have taken to camping outside the Supreme Court complex in protest. The court recently relented to one group, stationed there from 2 to 17 November, and assured them that the fate of their loved ones would be examined and their cases tried. But the judges involved have since done little more than make clichéd remarks about the ultimate good of the Supreme Court, while showing no willingness to flex the judicial muscle; suspected perpetrators from the state agencies have not been called or held to account. The proceedings are, in fact, starting to resemble a publicity stunt.”²⁵

The national judicial policies often do not trickle down to lower judiciary system, specifically, session courts, judicial magistrates and civil courts, who mostly rely on reports from the prosecution and the police for their work as well as the political influence of the powerful elements of society in deciding cases.

In rural areas, where landed aristocracy has significant social and political influence, the lower judiciary has proven ineffective in protecting the rights of the poor and powerless, and women. In the rural and far flung areas the courts remain under threat from powerful land lords or tribal leaders, who control local political bodies and assemblies and also have private armies of thugs at their behest. In spite of the restoration of the judiciary, the corruption in the judiciary has increased. From lower judiciary to the top echelons of the judicial system, paying bribes is the only way to have cases dealt with any priority.

There is a big flaw in the laws of the government, with regard to both Islamic and secular laws, and the judiciary appears to be avoiding discussion of the question due to the stranglehold of Muslim fundamentalists on public opinion. The Constitution declares Islam to be the religion of the state, and notes that sovereignty belongs to Allah alone.

²⁵ <http://www.ahrchk.net/statements/mainfile.php/2009statements/2307/>



Effectively, this grants the Muslim clergy, that claims that it alone knows the will of Allah, exclusive political and judicial authority in legislating and interpreting laws. Islamic provisions of the Constitution, including Articles 227, 228, 229, require all laws to be interpreted in the light of the Quran and state that “all existing laws shall be brought in conformity with the injunctions of Islam as laid down in the [Quran](#) and [Sunnah](#).”

These provisions greatly enhance the authority of the Muslim clergy and are easily exploited by radicals to justify the perpetuation of religious hate and intolerance. More information concerning this will be presented in the section on religious minorities further on in this report.

Institutional corruption in Pakistan

Rampant corruption in Pakistan continues to undermine any possibility of effective governance and the enjoyment of human rights. Corruption always favours the strong over the weak and perpetuates a system of inequality and brutality. Corruption pervades every aspect of life and every strata of society; from taxation to vehicle ownership to basic medicines. President Asif Zardari and several other high-ranking ministers have been accused of corrupt practices, further undermining the civilian government and fuelling political instability and hindering progress. Current president Asif Zardari enjoys indemnity under Article 248 of the Constitution and no new or old cases could be opened against him as long as he holds the Presidency.

Transparency International’s (TI) Corruption Perception Index 2009 saw Pakistan drop five places. Not only does this reinforce the sentiment that corruption has become an institutional pandemic, but also weakens the already-wavering confidence of the public in governmental institutions. The report notes that: “at all levels in all manner of public-sector departments, from land records and tax to customs and motor vehicle ownership or licensing, corrupt practices have become disturbingly common. Sections of the law-enforcement apparatus, such as the police and the lower judiciary, are notorious for taking or demanding bribes. In public-sector health units, where services and basic medicines are supposed to be provided either free of cost or at heavily subsidised rates, citizens find themselves forced to pay through the nose or forego treatment.”²⁶

Pakistan is now number 42 in the annual list of the world’s most corrupt countries. Explaining the link between corruption and other ills, TI Pakistan Chairman Syed Adil Gilani said TI Pakistan was of the view that terrorism was the direct result of poverty, which had resulted due to corruption, and especially the illegal direct, or indirect, rule of armed forces in Pakistan since 1951 to 2007. The endorsements provided to military regimes by a corrupt judiciary were also to be blamed.

²⁶ http://www.transparency.org/publications/gcr/gcr_2009



Pakistan's water sector, like many in the region and around the world, is fraught with large and small-scale corruption. According to a 2003 survey by Transparency International, Pakistan's Water and Power Development Agency is perceived to be the second most corrupt institution in the country.²⁷ Close to half of the more than 31,000 complaints received by Pakistan's anti-corruption ombudsman in 2002 were related to this one institution. As the World Bank's 2005 Pakistan water strategy admits, top positions in the country's water bureaucracy are sold at a high price.

Adil said positive impact of the few good governance steps taken by the government would be visible by the next year. He mentioned the reinstatement of sacked judges by the Prime Minister through an executive order on March 16, declaration by the Supreme Court chief justice of zero tolerance for corruption and the withdrawal of the National Reconciliation Ordinance from the National Assembly as positive steps.

The National Reconciliation Ordinance (NRO) was promulgated by former president Musharraf in 2007. It allows for the withdrawal of 3,478 cases registered against notable politicians and other high-ranking officials on charges of corruption, financial bungling, misuse of authority and criminal charges.

While the reinstatements of sacked judges and withdrawal of the NRO are commendable steps, the AHRC calls for concrete action to wipe out corruption at every level, with systemic overhauls of institutions and practices to be performed where corruption is detected. As the year draws to a close, there has been significant discussion in the international media about the problem of corruption in neighbouring Afghanistan. There is no doubt that Pakistan also requires this problem to be tackled as a priority. In order to prevent further demoralization of the public in not just Zardari's government, but the democratic system as a whole, a sustained, long-term plan must be drawn up to root out corruption at all levels.

Torture widespread and ongoing:

No serious effort has been initiated towards the elimination of torture which has become endemic in the country. Civil society organisations in Pakistan have reported an estimated 1300 cases of torture in the last year, and new cases continue to be added to this number. Although Pakistan has signed the Convention against Torture (CAT) on April 17, 2008, no discussions concerning the instrument's ratification or implementation in law have been conducted in the country, notably by the Parliament.

Pakistan does not have any specific law relating to torture, although Article 14 (2) of the Constitution expressly prohibits the use of torture for extracting evidence. Domestic jurisprudence concerning the use of torture is minimal. Victims have the

²⁷ <http://loatay.com/index.php/archives/796>



burden of proof, and there are no independent investigating agencies that are empowered to inquire into complaints of torture. Furthermore, claims for compensation for an act of torture are to be settled under [Shari'ah](#) law, which can be counter-productive and lead to further legal and rights abuses.

The AHRC has identified 52 such detention centres which are run by the military, where people that have been arrested and disappeared are typically detained incommunicado and tortured for several months to extract confession statements.

The police are the main perpetrators of torture against ordinary citizens. The lack of police reform mechanisms has perpetuated the cycle of torture in Pakistan. Anyone who is arrested is likely to endure ill-treatment or torture. No police officer has ever been sufficiently punished for the act of torture, although in rare cases some have been suspended or transferred for committing torture in the rare cases that it has been proven. The absence of criminalisation of torture provides impunity to the police and engenders further abuse.

Since the establishment of the current government last year under President Zardari, no effective investigations of allegations torture have been conducted in spite of the government's assertion that they will remedy the matter. Article 4.1 of the 1984 UN convention against torture says that every signatory state must ensure that all acts of torture are offences under its criminal law yet there is no prohibition against torture in Pakistan's domestic law. Due to the lack of mechanisms put in place to address acts of torture, arbitrary arrests and grave human rights violations continue to be carried out. As of now there are no independent investigation procedures in Pakistan to investigate cases of torture. In addition, there is an alarming level of insensitivity among the legal professionals including the judiciary regarding torture in Pakistan.

The AHRC has documented numerous cases of horrific torture in Pakistan. For example, in one case, Mr. Fazal Abbas, his young sisters, his mother and his brother in law, Mr. Shafiq Dogar, were all tortured in April at the Airport Police Station Rawalpindi. Their ordeal was allegedly arranged and aided by family members of Fazal's new wife Khulsoom, including member of Punjab Assembly (MPA) Mr. Iftekhar Baloch, in revenge for a marriage that they hadn't approved.²⁸

Mr. Shafiq Dogar was subjected to violence at the hands of police officers including rape, after which red chili powder was put into his anus. Dogar's wife Riffat Rani and her younger sisters, 12 and 19, were also allegedly beaten by policemen and by law-maker Iftekhar Baloch and arrested on trumped up charges, and since their release, have been threatened by Iftekhar Baloch, who continues to enjoy impunity. The medical report on Mr. Fazal has been released but contains no mention of sodomy and was apparently written in such a manner so as to protect the police.

²⁸ <http://www.ahrchk.net/ua/mainfile.php/2009/3159/>



In another of many possible examples, as people around the world gathered to observe the UN international day in support of torture victims on June 26, Inter-Service Intelligence agents in the north of Pakistan were fatally torturing a young man, Mr. Sadiq Ali, age 30, in their custody. Mr. Sadiq Ali, was arrested by Gilgit police on 17 June 2009. At that time he lived far from home (Jaffarabad village, Tehsil, Gilgit) and worked at the canteen of a community centre, the Nagir House in Rawalpindi, Punjab province, where he was known for his social work. He died in hospital early on the 27 June.²⁹

Outsourcing Torture: The “war on terror” has intensified the use of torture in Pakistan. Those suspected of going against the government or allegedly conducting terrorist activities have been arbitrarily detained and tortured. The ‘war on terror’ has meant that in the name of national security torture has become legalized. Coerced confessions are admissible under provisions of the Anti-Terrorist Act. In its efforts to protect Pakistan’s national security Pakistan’s Inter-Services Intelligence has worked with the United States and the U.K.

The ISI has provided assistance to the US and UK for combating their counter-terrorism operations. Cases have been documented in which the British MI5 intelligence agency has allegedly colluded with the Pakistani authorities in detaining and torturing British Muslims. Interrogation procedures including torture have reportedly been carried out by Pakistan’s ISI in order to prepare suspected terrorists for interrogation by MI5 agents.

The outsourcing of torture for the United States reportedly takes the form of a classified directive that was created after September 11, 2001 authorizing the CIA to detain and interrogate suspected terrorists. The CIA secret detention operation has been aided by foreign governments. Pakistan has been instrumental in providing the U.S. with suspected terrorists and a place to conduct its methods of torture.

Britain is condemned in a highly critical Human Rights Watch report³⁰ for breaching basic human rights and "trying to conceal illegal acts" in the fight against terrorism. The report is sharply critical of British co-operation in the transfer of detainees to places where they are likely to be tortured as part of the US rendition programmed. It accuses British intelligence officers of interviewing detainees held incommunicado in Pakistan in "so-called safe houses where they were being tortured".

Torture is seen to be vital in order to combat the war on terrorism. As the cases above reveal, human rights are suspended in the interests of national security. Governments aid other governments in supplying the means of torture. Take the case of a woman doctor, Aafia Siddiqui who is thought to have ties with terrorists. Dr. Aafia Siddiqui was arrested by Pakistan authorities and held in an Afghanistan prison. She is still

²⁹ <http://www.ahrchk.net/ua/mainfile.php/2009/3193/>

³⁰ <http://www.hrw.org/en/reports/2009/11/24/cruel-britannia-o>



being held without any charges brought against her, and remains in a psychological facility in New York where her lawyer and children are denied access.

The Convention against Torture (CAT) prohibits torture, and requires parties to take effective measures to prevent it in any territory under its jurisdiction. This prohibition is absolute and non-derogable. "No exceptional circumstances whatsoever" may be invoked to justify torture, including war, threat of war, internal political instability, public emergency, terrorist acts, violent crime, or any form of armed conflict. Torture cannot be justified as a means to protect public safety or prevent emergencies. Neither can it be justified by orders from superior officers or public officials. The prohibition on torture applies to all territories under a party's effective jurisdiction, and protects all people under its effective control, regardless of citizenship or how that control is exercised. Since the Conventions entry into force, this absolute prohibition has become accepted as a principle of customary international law.

As a result of the government of Pakistan signing the International Covenant on Civil and Political Rights (ICCPR) and also Convention against Torture (CAT) acts of torture while in custody remain solely the responsibility of the Pakistan government. Violations of the ICCPR and the CAT must be placed on the government and in cases of proxy torture for other governments both should be held responsible.

There is a dire need to make torture a crime in Pakistan law and the AHRC urges the government to pass legislation to this effect without delay if they are to have any credibility in terms of respecting human rights.

Violence against women

Pakistan's women face a many human rights abuses and violence. They face discrimination based on centuries-old customs and traditions. Women make up 49% of the population of Pakistan, yet they are marginalized and discriminated against by the political, social and economical structures of the country.

As an explicitly Muslim state, the women of Pakistan are beholden to a number of Islamic principles. For one, the family is seen as the nucleus of society, the fundamental building block from which the rest of society emerges and evolves. Women are seen to be responsible for maintaining the sanctity of the family, and are thus those who are most likely to disrupt this sanctity. As such, the woman becomes the lynch pin of an ordered society; it is on her back that responsibility and power lies, both for her family and by extension, for all of society. While the violence against women enacted in this society occurs for manifold reasons, it seems that this understanding of women as both the lynch pin and the one with the power to unravel society, is a contributing factor to the continual mistreatment of women in Pakistan.



Women face all kinds of violence perpetuated by the state and its agents, ranging from rape, gang rape, torture by state agents, registration of false cases of adultery, killing in the name of honour, Jirga (an illegal and parallel judicial system for the exchange of minor girls in land disputes) no free choice of marriages, restriction of freedom of movement and expression, domestic violence, sexual harassment at the workplace, forceful conversion to Islam, arbitrary punishment for blasphemy, deprivation of property rights, disappearance after arrest and being used as sex slaves in military torture cells. In extreme cases, punishments can include being buried alive or having acid thrown on them.

The main causes of this violence stem from a lack of proper investigative mechanisms by the police, and the presence of a strong feudal system, which contribute to the ultimate failure of the judicial system. In the urban centres of the country, the judiciary is indirectly under pressure from the landed aristocracy, as in the case of rural areas where there is no question of women getting relief (not even bail after arrest) from the lower judiciary.

Bills adopted against sexual harassment and domestic violence: Even so, there have been advances made in legislation, as mentioned in the introduction section of this report. In a rare show of concern for women, the National Assembly unanimously passed a bill to provide harsher punishments for those who commit sexual harassment, expanding the definition of the crime to facilitate prosecution of the perpetrators. The punishment for the crime was increased to up to three years imprisonment and a fine of up to Rs. 500,000. Effectively, women should feel encouraged to enter the workplace, as their protection is hopefully assured by a bill that makes sexual harassment laws less vague and open to interpretation. While this initiative is truly commendable, it is important to note that the Senate has yet to approve this bill. Indeed, while this is certainly a laudable effort, we must remember that the strength of these laws comes in their application and not simply their approval. Indeed, in one recent case, a senior anchorperson at Dunya Television News was pressured to keep silent about her sexual harassment by the managing director of the company.

A senior female broadcaster is pressured to keep quiet about being sexually harassed at a major TV news station: In one case, a senior anchorperson at Dunya TV News is being pressured to keep silent about being sexually harassed by the company's managing director. After the news director and chief executive officer (CEO) of the company were informed the journalist started to experience serious professional setbacks, and though internal investigation committees were set up (after her resignation), these appear to have been intentionally delayed. There are concerns that the power of the media house explains the lack of action by civil and political groups, including the National Press Club, in the case so far. The victim currently faces two defamation suits. The case is timely, since a proposal to increase the punishment for sexual harassment in the workplace is pending in Parliament.

Ms. Maheen Usmani was a senior anchorperson at Dunya TV News, a private television



channel in Islamabad. On 11 May 2009 she received two late-night calls from the channel's managing director, Mr. Yusuf Baig Mirza. He allegedly asked Ms. Usmani to confirm her cell number and made inappropriate comments on her appearance, before offering her certain favours and reimbursements if she were to keep in touch with him on his personal number. According to the victim's later letter to the Director of Human Resources of Dunya News after the event, Mirza's speech was 'suggestive' and loaded with innuendoes.³¹

In light of these the events, the AHRC calls for the Pakistani government's assurance of legal provisions to uphold this bill in practice; to protect women against violations of their rights, within both the domestic and public realm, and ensure that those who violate these provisions be swiftly brought to justice.

The National Assembly has also adopted a women's protection bill, for the prevention of domestic violence, and the provision of aid and services to victims of the same. According to the bill, protection committees, comprising police officers, would provide legal and medical protection. They would assist and if necessary, relocate the aggrieved and their children. The bill also states that at any stage of the hearing, the accused may be directed to pay monetary relief to meet the expenses incurred and losses suffered, including loss of earnings, medical expenses and maintenance of the aggrieved person and her dependents. The bill states that domestic violence is an offence, and that if a person repeats such act(s), they are liable to one-year's imprisonment and a fine of Rs. 200,000. The bill also maintains that the federal government must ensure that the National Commission on the Status of Women reviews the legal provisions on domestic violence at regular intervals, and suggest improvements when necessary.

Indeed, while these logistical changes are commendable, we must persist on changing the attitudes and values of the public. It is clear that these misogynistic values are systemic, so there must be a re-education of values from the ground up. We must remember that new laws don't necessarily make for new minds, and that change needs to happen at a number of places within the justice system. We see in this case, that regardless of the new bill, the attitudes of those in power remained unchanged. As such, the suggestion that the protection committees be comprised of police officers should be questioned. The negligent attitude and corrupt values of those who are in positions of power, beg the question: are the police right for this job? We question the use of the police, who are often perpetrators of violence, and their ability to offer advice, guidance and protection in a time of need. We call for an understanding of the violence that emanate from both the state and sections of civil society. We call for an accountability of those in positions of public power.

Many cases reflect the need for the police to be held accountable for actions which undercut the rule of law. The AHRC received information that the rape and murder of a woman last year by a group of men, included two police officers.

³¹ <http://www.ahrchk.net/ua/mainfile.php/2009/3250/>



Police officers participate in the rape and murder of a woman with impunity: In a case that is emblematic of the impunity with which violence against women is carried out, no investigation is being conducted into the rape and murder of a woman last year by a group of men, which included two police officers. Station heads have allegedly requested bribes from the victim's family and accepted large sums from the accused, and no investigation has been done. The family has reported an escalation in threats pressuring them to withdraw their case, one being that the victim's daughters will soon suffer her fate. They have asked for protection but have received none. The AHRC is gravely concerned for their safety, and for those living under the jurisdiction of Cantt police station, where there appears to be gross corruption and scant regard for the rule of law.³² Station heads allegedly requested bribes from the victim's family and accepted large sums from the accused, and no investigation has been conducted.

In another recent case, police made no moves to arrest five men accused of gang-raping a sixteen-year old girl and were instead said to be supporting an illegal out-of-court settlement.

Police protection continues for teachers accused of gang raping their students:

In another case, senior police officials are reportedly preventing an investigation into the alleged gang rapes of female students by a group of teachers. The family of one victim is being pressured to settle outside legal channels in a feudal jirga court, despite directions from the Chief Minister of Sindh to have the accused arrested. Their case has been compromised by local police, who willfully delayed the girl's medical examination by a week. This incident shows the freedom enjoyed by Sindh police to work against the law and the public on behalf of wealthy patrons. If the accused men had been arrested after the first allegation of rape, other young girls may not have suffered the same violation. The latest victim's family is now being threatened and needs urgent protection and legal support.³³

It seems that since the accused are members of a powerful political party, the police do not intend to take DNA samples of the accused. In another case, in which a group of schoolteachers have been accused of gang-raping several students, the police wilfully delayed the victims' medical examination.

Unfortunately, it seems that the police are not the only officials who willingly compromise their professional integrity in the name of personal or political gain. Gender biases and misogynistic values can be seen in cases such as one where a judge was highly inappropriate and unprofessional during the rape trial of a young girl, putting her through a gruelling, sexually-explicit cross-examination in front of her alleged attackers, using aggressive, sarcastic language and asking for specifics and demonstrations of the act.

³² <http://www.ahrchk.net/ua/mainfile.php/2009/3213/>

³³ <http://www.ahrchk.net/ua/mainfile.php/2009/3301/>



Gender-biased judge should be transferred from rape trials: Court spectators and prosecutors expressed outrage at the behaviour of Additional District and Sessions Judge Nizar Ali Khawaja on March 25, 2009 in Karachi, Sindh province, when he allowed the case of a teenage gang rape victim, Ms. Kainat Soomro, to become a spectacle in his courtroom. The judge put the girl (who was raped two years ago as a 13-year-old) through a grueling, sexually explicit cross examination in front of her alleged attackers. He used aggressive, sarcastic language and prompted for specifics and demonstrations of the sex act. Justice Khawaja also denied the prosecuting counsel's request to clear the room of at least eighty non-related onlookers who were crowded at the back, according to media. The experience for the girl was intensely traumatic; it affected her testimony and will do little to encourage other rape victims into court.³⁴

Every two hours a woman is raped: According to the Human Rights Commission of Pakistan, it is estimated that a woman is raped every two hours, a gang rape occurs every eight hours, and about 1000 women die annually in honour killings. The newly made Women's Protection Act has failed to deter acts of violence against women who continue to fall victim to honour killings. The increase in violence in Pakistan cities has prompted new concerns that militants have begun to specifically target women in their terror campaign.

As a result of the state's complicity, access to justice remains extremely limited for most female victims. Especially in cases where perpetrators are members of influential political groups, even those courageous enough to report their crimes often do so at the risk of their own lives and that of their families. The failure of the judicial system and political corruption is taking a long-lasting toll on the community, with more and more victims giving up on the system as a whole, and allowing cases of violence to go unreported.

Since the 'War on Terror' started at the end of 2001, acts of discrimination and violence against women have increased. According to reports, acts of violence against women in 2005 had increased three hundred-fold as compared to previous years. According to press reports and reports collected from different women's organizations, since 9/11 and the 'War on Terror,' 72,162 cases of violence against women were reported. Incidences of violence against women take many forms.

In one recent case, reported on September 30, 2009, the ritual abuse and naked humiliation of three women cast a deeper shame on the justice system that supported it. The violent humiliation of three women reported from Punjab this week has thrown stark light on the complicity of the police and the courts in gender-based crimes -- and on the continued degeneration of law enforcement in the region.³⁵ Three women accused of prostitution were forced to parade naked through their neighborhood and

³⁴ <http://www.ahrchk.net/ua/mainfile.php/2009/3135/>

³⁵ <http://www.ahrchk.net/statements/mainfile.php/2009statements/2246/>



onto a local highway; they were stripped and physically tormented under the direction of a man who leads a banned militant organisation. Yet when the police arrived on the scene they arrested the women. The courts complied with the arrest. The gravest abuse of all was that neither the police nor the judge considered the rights of those being abused and defiled, because they were women; though many of these rights are clearly and very strongly represented in the constitution and the penal code. The one clear crime taking place when the police arrived, under Section 354-A of the PPC, can be met with the death penalty. Yet instead possible prostitution and the satisfying the irrational zeal of a mob took the officers' priority -- perfectly symbolic of the ways in which Pakistan's laws are being belittled, mocked and abused by those meant to uphold them.

Acid Throwing: This horrifying form of violence against women involves throwing acid, usually sulphuric acid, on women with the malicious intent to permanently disfigure her face and body features. The incidence of acid attacks is reflective of the misogynistic values that are inextricably intertwined into social systems where acts of disagreement by women can invite morbid vengeance. In one case, Maria Shah, a health worker from Shikarpur, was burnt from her face down to her thighs for refusing to marry the rickshaw driver who had been hired by her family to take her to school. National Assembly Speaker Fehmida Mirza enquired after her health, and noted that the government would bear the expenditure of Shah's treatment. Maria Shah died on February 25th 2009.

Plight of Women in Prison: The Punjab province has the highest number of prisoners under trial in Pakistan. Official statistics show that 1,225,879 cases remain pending in subordinate courts, with 144,942 in the Sindh region, 187,441 in the NFWP and 7,664 in Balochistan. The National Judicial Policy has stressed the importance of granting bail to those under trial, issuing directions to give priority to the disposal of the cases of women and juveniles.

According to a survey conducted by the AGHS Legal Aid Cell Team while visiting different jails, most women prisoners were subjected to physical abuse during interrogations by police. The survey also noted that female prisoners constituted 1.4% of the total prisoners held in the Punjab jails, with 876 adult jails and five juvenile jails. Over 67% of these women are under trial.

The survey states that at least 80% of women prisoners are unaware of the status of their legal proceedings and 35% have not engaged lawyers. It adds that at least 70% of female prisoners are illiterate. Only 6% have made allegations of abuse by jail authorities. Over 48% of women prisoners are accused of murder, and 0.5% are convicted to the death sentence.

The AGHS survey maintains that 30% of women in these jails are accused under the Control of Narcotics Substance Act 1997. The rest of the women are accused of Zina or of other minor offences. Five juvenile female prisoners are under trial in murder cases as well.



More than 4000 people have died in Jirga-sanctified murders over the last six years, and two thirds of them have been women. Their deaths have often occurred under the most barbaric of circumstances. Many are charged with having a relationship outside of their marriages (an often fabricated claim,) while others are suspected of planning love marriages, as opposed to the arranged marriages planned by their families.

Love Marriage as Crimes: As an explicitly Muslim state, the battle between secular, Christian and Islamic societies within Pakistan are particularly pronounced. In order to maintain these separations, love marriages across caste or religious lines are strongly discouraged, with family members using their political ties to arrest and torture the families of those involved in love marriages, so as to 'teach them a lesson.' In one particularly heinous case mentioned in the section above concerning torture, assembly member Iftekar Baloch is said to be behind the arrest and torture of six close relatives of the man who married a wealthier girl from a different tribe. It is alleged that the judge was under pressure by Baloch to renew the detention orders of these victims, despite there being no evidence against them. Ashraf's mother has been released on bail, but the rest are still in prison and have been told that they won't be released until the couple return.

In another case, a man and a woman from different sects married, and were in hiding due to death threats that they had received. Members of the groom's family were abducted, and others were arrested on false charges. In both cases, the involvement of politicians and their collusion with the police for political and personal gain seemed to spur on these incidents.

Jirga courts perpetuate violations of women's rights: In the feudal, fiercely patriarchal north of Pakistan, women's lives are seen to be of little worth. It is a matter of prestige to have more than one wife, and young girls are often sold into marriage to settle disputes. In one case, under the orders of Jirga (illegal, traditional courts), and with the knowledge and apparent acquiescence of the police, three young girls aged ten, twelve and thirteen, were handed over as compensation to a man who claimed that the girls' father had slept with his wife. The complainant had openly killed the wife, as he had his previous wife. That young girls can be given to a known double-murderer of women, speaks to the fundamental problems of the Jirga system in terms of respecting and protecting human rights.

In one recent case involving a Jirga, an 18-year old girl, trafficked to a family through marriage, was raped repeatedly by her father-in-law and other male members of the family.³⁶

³⁶ <http://www.ahrchk.net/ua/mainfile.php/2009/3103/>



After she managed to escape, a Jirga was held and it was ordered that the girl be returned to her parents. However, a second Jirga ordered that she be returned to her husband and his family on the grounds that the girl's parents had taken money for the marriage of the girl. With the order of the Jirga, the girl was kidnapped on October 21, 2008 and her whereabouts remain unknown. The nephew of a provincial minister was reportedly involved in conducting the Jirga, and because of his involvement, the police are unwilling to take action. The involvement of ministers in the Jirga system demonstrates that the confluence of this illegal court system with the supposedly higher, established legal system speaks to the failure of Pakistan's legal system, through, and at the hands of its politicians and judges. In maintaining two legal systems, which are used at whim for personal gain, the pursuit of justice is rendered entirely impossible.

Women are traded and bartered to resolve minor disputes, and as a display of personal and political power through these underground court systems. So long as there remains an alternative 'justice' system, the law will not be respected. The AHRC calls for the Pakistani government's acknowledgment of these illegal courts, and calls for their eradication, for the ultimate furthering of the respect for human rights and the rule of law.

Discrimination is still strong in employment and education: In the workplace, sexual misconduct is common, and women must contend with lower salaries than that of their male colleagues. They are generally not paid according to the law and receive few benefits. The majority of working women are not officially registered with governmental institutions, and are thus especially vulnerable to occupational abuse. It is mostly women that work in government factories and other informal sectors (unregistered under government laws), and in such places, they have no labor law benefits, such as medical allowances, pregnancy allowances, transport or childcare services from the factory management. Through a finance bill passed during the Musharraf government, most women are now expected to work twelve hours rather than the original eight. In rural areas, women are often required by employers or landlords to work all day alongside their husbands for little extra remuneration, often as bonded labor, to pay off loans.

The majority of schools cater to either boys or girls. In remote areas, several hundred schools were recently burned by tribe-members to protest against the education of girls in the northern province bordering Afghanistan, that is under the control of Taliban and militant Muslim organizations. In such areas, girls are not allowed to pass above grade five (primary school level) even though grade ten is required for many jobs. Authorities often fail to intervene in these areas.

Religious Freedom and Minorities

Pakistan's religious minority groups – including Hindus, Christians, Sikhs, Jews, Ahmedis, and Buddhists - face continuing difficulties in 2009, with a disappointing lack of progress on the part of the government to guarantee basic security and



protection to the country's minorities, and to amend or revoke laws and constitutional provisions that demonstrably perpetuate discrimination.

The use of mosque loud speakers to incited hatred and violence: The AHRC is concerned about the increasing frequency with which Muslim religious leaders illegally use mosque loud speakers to broadcast provocative speeches to stir up the fundamentalist sentiments of Muslim believers. Their behaviour constitutes a gross violation of Section 3 of Loud Speaker Act 1965 which bans all types of speech other than Azan (the call to prayer) and Khutba (the Friday sermon in Arabic). Disturbingly, perpetrators enjoy de facto impunity and are rarely, if ever, brought before the court due to the reluctance of police and local administration to antagonize religious authorities.

An example of this took place on September 11, 2009, in the village of Jethki, Sambrial tehsil of Sialkot district, Punjab district.³⁷ A mob, reportedly responding to their religious leaders' call to "teach Christians a lesson" after the clerics used mosque loud speakers to accuse five Christian boys of desecrating the Holy Quran, attacked Christian residents, ransacked a church and set it ablaze along with two neighbouring houses. Police did not launch an investigation nor arrest the clerics who illegally used the loud speakers. Instead, the District Police Officer (DPO) "negotiated" with Muslim party leaders and promised to arrest the accused Christian boys within a 24-hour deadline, one of which, Fanish Maseeh (20), was allegedly tortured and killed extra-judicially within the prison.

Legislation institutionalising religious hierarchy

Religious radicals are further empowered by the many laws and legal provisions in Pakistan's Constitution and Penal Code that institutionalise inequality between Islam and non-Islamic religions. The Constitution declares Islam to be the state religion and that sovereignty belongs to Allah, effectively granting the Muslim clergy, who claim that it alone knows the will of Allah, exclusive authority in legislating and interpreting the laws. Islamic provisions of the Constitution, including Articles 227, 228, 229, require all laws to be interpreted in the light of the Quran and that "all existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Quran and Sunnah." These provisions greatly enhance the authority of the Muslim clergy and are easily exploited by radicals to justify the perpetuation of religious hate and intolerance.

The government of Pakistan must review its legal provisions to ensure that they are not repugnant to each and every individual's right to the freedom of thought, conscience and religion as enshrined in Article 18 of the International Covenant on Civil and Political Rights. Article 20 of Pakistan's Constitution also guarantees each

³⁷ <http://www.ahrchk.net/statements/mainfile.php/2009statements/2225/>



citizen's freedom "to profess religion and to manage religious institutions". Article 33 makes it the responsibility of the state to "discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens, while Article 36 ensures that the state "shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services". These legal principles must be enacted with genuine political will on the part of the government to generate positive impact.

Relevant excerpts from the Constitution of Pakistan:

227. Provisions relating to the Holy Qur'an and Sunnah.

(1) All existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah, in this Part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such Injunctions.

^[242] [Explanation:- In the application of this clause to the personal law of any Muslim sect, the expression "Quran and Sunnah" shall mean the Quran and Sunnah as interpreted by that sect.]

(2) Effect shall be given to the provisions of clause (1) only in the manner provided in this Part.

(3) Nothing in this Part shall affect the personal laws of non- Muslim citizens or their status as citizens.

228. Composition, etc. of Islamic Council

(1) There shall be ^[243] constituted within a period of ninety days from the commencing day a Council of Islamic Ideology, in this part referred to as the Islamic Council.

(2) The Islamic Council shall consist of such members, being not less than eight and not more than ^[244] [twenty], as the President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Holy Quran and Sunnah, or understanding of the economic, political, legal or administrative problems of Pakistan.

(3) While appointing members of the Islamic Council the President shall ensure that:

(a) so far as practicable various schools of thought are represented in the Council;

(b) not less than two of the members are persons each of whom is, or has been, a Judge of the Supreme Court or of a High Court;

(c) not less than four of the members are persons each of whom has been engaged, for a period of not less than fifteen years, in Islamic research or instruction; and (d) at least one member is a woman.

^[245] [(4) The President shall appoint one of the members of the Islamic Council to be the Chairman thereof.]

(5) Subject to clause (6) a member of the Islamic Council shall hold office for a period of three years.

(6) A member may, by writing under his hand addressed to the President, resign his office or may be removed by the President upon the passing of a resolution for his removal by a majority of the total membership of the Islamic Council.



229. Reference by Majlis-e-Shoora (Parliament), etc. to Islamic Council.

The President or the Governor of a Province may, or if two-fifths of its total membership so requires, a House or a Provincial Assembly shall, refer to the Islamic Council for advice any question as to whether a proposed law is or is not repugnant to the Injunctions of Islam.

The Blasphemy Laws

Despite vocal criticism at home and abroad, Pakistan's infamous Blasphemy Laws remain in effect and charges of blasphemy are still punishable with the death penalty, while desecration of the Holy Quran carries a life sentence. The laws were a British colonial legacy introduced in 1885 to prohibit the instigation of religious hatred, and became part of Pakistan Penal Code as Section 295 in 1927. The provision granted equal protection to all religious groups, until General Zia ul Haq, in deference to demands made by radical Islamicists, introduced two new clauses (295-B and C) in 1982 and 1986 that specifically outlaw desecration of the Holy Quran and defilement of the name of the Holy Prophet Muhammad. The deliberate institutionalisation of the unequal status between Islam and non-Islamic religions opened the door for the perpetuation of religious intolerance by Islamic fundamentalists. According to data collected by the National Commission for Justice and Peace (NCJP), at least 964 persons were alleged under these anti-blasphemy clauses from 1986 to August 2009, while over 30 persons were killed extra-judicially by the angry mob or by individuals.

In April 2001 an attempt was made by the Musharraf government to amend the procedures in the registration of blasphemy cases, but he quickly withdrew the new order upon vehement opposition from Islamic fundamentalists. In August 2009 after the Gojra attack in which seven Christians were burnt alive, the current Prime Minister Yousuf Raza Gilani again announced plans to review "laws detrimental to religious harmony" in a committee comprising of constitutional experts, the minister for minorities, the religious affairs minister and other representatives, but the government has again hesitated to initiate change due to their unwillingness to antagonize fundamentalist groups. In fact, recent cases in Pakistan suggest a criminal nexus between government authorities, police, and fundamentalist organizations, in which the Muslim clergy, on receiving bribes from land-grabbers in the National and Provincial Assemblies, colluded with local police to expropriate land owned by minorities by bringing blasphemy allegations against them. The situation is especially worrying in Punjab province after the formation of the PML-N government, which has a record of intolerant policies against Christians and Ahmadis in particular.

Children arrested for blasphemy: In January this year four children and one man were arbitrarily arrested and charged with blasphemy for writing the name of the Prophet Muhammad on the walls of a toilet.³⁸ Charges were filed against them under

³⁸ <http://www.ahrchk.net/statements/mainfile.php/2009statements/1859/>



section 295-C of the Penal Code, and family members were reportedly told that the police were compelled to act against the children by fundamentalists, who threatened to close down the whole city and attack the houses of Ahmadi sect members. Another five Ahmadis were detained on blasphemy charges in Layyah district without virtually any proof of witnesses in February.

Persons falsely charged with desecrating the Holy Book: On July 1, 2009 Imran Masih, a young Christian grocer was wrongfully arrested under the blasphemy law.³⁹ Masih was advised to burn an Arabic booklet he found by his neighboring shopkeeper. Then he was accused by the same person for burning the Quran and offending Islam. Imran Masih remains in Faisalabad Jail since the incident happened. His family have been publicly threatened to leave their shop and house.

Similarly, a 65-year-old Christian, Mr. Lawrence was falsely accused of blasphemy in September 2009.⁴⁰ Mr. Lawrence was falsely charged with desecrating the Quran and other religious papers. Four relatives of Mr. Lawrence were arrested and were also forced to confess to desecrating the Quran. They were released after bribing the police. Mr. Lawrence was only released with the help of the town mayor. The security of Christians and other religious minorities are threatened throughout the country.

Continuing discrimination and violence against Ahmadis

The second amendment of Pakistan's Constitution (1974) adopts an exclusionary definition of Islam and declares Ahmadis a non-Muslim minority. Clause C (b) of Article 260 states that "non-Muslim' means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani group or Lahori group (who will call themselves 'Ahmadis' or by any other name), or a Baha'I, and a person belonging to any of the scheduled castes."

The Pakistan Penal Code also contains legal provisions that institutionalize explicit discrimination against the Ahmadi sect, including Section 298-C, which stipulates that "any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine." This provision stands in direct contradiction to the right to freedom of speech and religion enshrined in Articles 19 and 20 of the Constitution. In March, fifteen men from Sillanwali tehsil, Sargodha district, Punjab province were booked under Section 298-C for attending a place of worship that resembles a mosque, thus for the "impersonation of Muslims".

³⁹ <http://www.ahrchk.net/ua/mainfile.php/2009/3221/>

⁴⁰ <http://www.ahrchk.net/ua/mainfile.php/2009/3265/>



The blasphemy laws are also widely used against the Ahmadis, with about 340 out of the 964 persons alleged under blasphemy laws from 1986 to August 2009 being members of the sect, according to a NCJP report. At present more than one thousand Ahmadis are estimated to be in Pakistan's jails on charges of blasphemy.

At least five members of the Ahmadi sect were murdered in targeted killings in 2009, resulting in a total of over one hundred killings since the introduction of anti-Ahmadiyya laws by the Zia ul Haq government in 1984. In a conference earlier this year, held under the auspices of the Punjab provincial government, the people in the audience, many of them uneducated, were instructed by Islamic fundamentalists that they have a duty to kill Ahmadis. They were led to believe that they would be greatly rewarded for shedding the blood of Ahmadis.

In Faisalabad, a well known Ahmadi trader, Mian Laiq Ahmad, was attacked by three armed men whilst sitting in his car on May 8, 2009.⁴¹ The armed men blocked the road to his house and shot him to death. On August 6, 2009 an Ahmedi, Rana Ata-ul Karim, was shot to death after his wife was harassed by three Muslim extremists in Multan.⁴² They were targeted for being members of a minority sect of Islam.

Human Rights Defenders

Police negligence and an apparent lack of political will on the part of the government to offer protection to religious minorities is contributing to a threatening environment for defenders of human rights, particularly minority rights, in Pakistan. The AHRC continues to learn of cases in which human rights activists were targeted by radicals for offering support and assistance to religious minorities. Laws related to the maintenance of public order and anti-terrorist laws have been exploited to criminalize and thereby limit the activities of human rights defenders, deterring many from speaking out against injustices.

The AHRC has received information that Mr. Rao Zafar Iqbal, the executive director of the National Council for Human Rights and a human rights lawyer who offers free legal counsel to victims of the country's harsh blasphemy laws, has escaped an attempt on his life in July 2009, but continues to receive death threats from Muslim fundamentalist groups.⁴³ A fatwa (religious declaration) was published in the local newspaper Daily Pavel on August 4 which called for the lawyer's murder as a service to Islam, referring to his legal support to detainee Mohammad Ayube, who is under arrest for claiming to be the prophet, and to Imran Masih, a Christian who was falsely

⁴¹ <http://www.ahrchk.net/statements/mainfile.php/2009statements/2074>

⁴² <http://www.ahrchk.net/statements/mainfile.php/2009statements/2168/>

⁴³ <http://www.ahrchk.net/ua/mainfile.php/2009/3254/>



charged and wrongly arrested under blasphemy laws earlier this year. Local police officers have repeatedly rebuffed Mr. Iqbal's requests for help and protection.

Another prominent human rights activist working for the Human Rights Commission of Pakistan (HRCP) and the Labour Party of Pakistan, Mr. Tariq Mehmood (24), was arrested and remanded by police on August 10 for organizing a "black day" of protest against the police and local authorities for the July Gojra attack.⁴⁴ He was charged under Article 7 of the Anti Terrorist Act, which prohibits acts "intended or likely to stir up sectarian hatred" and terrorist acts punishable with death penalty, as well as Article 13 of Maintenance of Public Order Ordinance, which pronounces a punishment of imprisonment of up to three years, among others.

Prominent human rights defender, Nisar Baloch, was shot dead the day after he predicted his death at the hands of local politicians. Police have refused to mention the names of the murderers in the First Investigation Report (FIR), owing to the fact that the accused belong to the MQM political party, which has a background of targeted killings. In a press conference the day before his death, Baloch blamed the party for their encroachment on the land of Gutter Baghicha, an amenity plot of 1017 acres. His death is the second incident in the victimization of housing rights defenders in the past five years in Karachi.

Clearly, the values which uphold law and order in this country have deteriorated significantly. When a man says in a press conference that he will be killed the following day by the local politicians and the police fail to provide protection to him because of the political pressure they are under, it is clear that the situation is deplorable.

Conclusions and recommendations

The human rights situation is grave and worsening in Pakistan, even though the government has, through changes in legislation, made attempts to improve the situation. The government has restored the judiciary which was disbanded by General Musharraf in 2007, and has proposed to release the political prisoners from Balochistan. The government has passed two bills regarding the status of women. These include one on the prevention of domestic violence and the provision of aid and services to victims of such violence, and another providing harsher punishments for those who commit sexual harassment, expanding the definition of the crime to facilitate prosecution of the perpetrators. It is important to remember that while these changes in legislation are undoubtedly commendable, the true test lies in their application to the everyday lives of Pakistani civilians, and their impact on the attitudes and values of both state-agents and the country's citizens.

⁴⁴ <http://www.ahrchk.net/ua/mainfile.php/2009/3233/>



Violence and conflict in many parts of the country and increasingly frequent acts of terrorism have given rise to the serious degradation of the protection and enjoyment of human rights. Violations include torture, deaths in custody, attacks on minorities, enforced disappearances, extra-judicial killings, punishments resulting from traditional practices that are not in line with international human rights laws and standards, honour killings and domestic violence. The AHRC notes that while Pakistan is increasingly being understood as a country that elicits international concern, it is vital to gain an understanding of the institutional weaknesses and the weakness of the civilian democratic institutions that should be protecting human rights and tailor efforts to improve these weaknesses, in order to eradicate violence. Supporting the military and permitting the intelligence agencies, notably the ISI, to continue to act above and beyond the law may have short-term benefits in terms of counter-terrorism objectives in the short term, but will ultimately only engender a worsening of the insecurity that currently prevails. During this time, countless violations of human rights will continue to be perpetrated.

The military in Pakistan are urged to ensure that the lives and human rights of civilians are their top priority when carrying out any operations against militants and the fully comply with international humanitarian and human rights laws and standards during the conduct of such operations. It is imperative that independent monitoring by the media be allowed to cover operations as well as monitoring by civil society. Effective and impartial investigations into allegations of abuses by the military must be allowed to take place with the full cooperation of the military establishment.

In April 2008, Pakistan ratified the International Covenant on Economic, Social and Cultural Rights and signed the International Covenant on Civil and Political Rights, as well as the UN Convention against Torture. In May, the government announced that Pakistan would accede to the International Convention on the Protection of all Persons from Enforced Disappearance, but it has not done so as yet. On 15 October, the cabinet approved a draft bill to set up a National Human Rights Commission but Parliament has not passed the bill as yet. In November, a separate Human Rights Ministry was established.

Although Pakistan has ratified the UN International Covenant on Economic, Social, Cultural and Political Rights (ICESCR) and signed UN International Covenant on Civil and Political rights (ICCPR) and Convention against Torture (CAT) in April 2008, this pressing issue has not been discussed on the floors of the elected forums or the provincial assemblies, nor has it been discussed by the National Assembly or the Senate. No steps have been taken to make torture a criminal offence, and it has not been reviewed in Parliament.

The AHRC strongly urges the government to ratify and implement the core international human rights instruments to which it is legally beholden, in line with repeated calls from members of civil society, national and international experts and Special Rapporteurs on torture. The government is urged to establish of a credible,



independent body to investigate claims of torture. All enquiries that are conducted should be transparent to all members of civil society, and members of the press should be freely allowed to report on the proceedings of various cases. Adequate measures must be taken to ensure the protection of victims or witnesses who give evidence, as well as effective investigations into claims of threats by governmental agents against witnesses or victims. Appropriate legal sanctioning for the government agents responsible must also be ensured.

The government has also pledged its commitment to commute pending death sentences into life imprisonment, but as with the legislation on torture, this has yet to be carried out. According to Amnesty International, around forty people were executed in the eighteen months after the government announced it would convert the sentences.

The AHRC strongly urges the government to declare the Jirga court system illegal and unconstitutional, and to swiftly bring to justice the persons responsible for holding Jirgas that award death sentences. Secondly, an independent investigation must be held without delay concerning the cases of burial alive of women and other extra-judicial killings carried out as the result of the Jirga decisions. Those who have conducted Jirgas should be banned from holding public office, and those already in office must be immediately ejected. In this manner, a clear signal would be sent that the constitutional law of Pakistan needs to be respected by ministers and government officials who are in positions of public power, first and foremost.

The AHRC calls for the government's attention to the pressing and distressing situation of the rights of women. We call for an overhaul of the political, social and economic systems which are deeply misogynistic and encourage the government to re-create these institutions from the ground up, making for an environment that allows for women to be seen as equal to men, with the same rights and responsibilities.