

## Pakistan

Since President Pervez Musharraf seized office in a military coup d'état five years ago, Pakistan's military has acted with increasing impunity to enforce its writ over the state and to protect its grip on Pakistan's economic resources, especially land. For instance, in the Okara district of the military's traditional stronghold of Punjab, paramilitary forces acting in conjunction with the army killed and tortured farmers who refused to cede their land rights to the army. Other pressing human rights concerns in the country include a rise in sectarian violence; legal discrimination against and mistreatment of women and religious minorities; arbitrary detention of political opponents; harassment and intimidation of the media; and lack of due process in the conduct of the "war on terror" in collaboration with the United States. A major military offensive against alleged Taliban and Al-Qaeda forces in the South Waziristan area bordering Afghanistan resulted in massive displacement of civilians and scores of deaths.

### ***Gender-Based Violence and Discrimination***

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

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

According to Pakistan's Interior Ministry, there have been more than 4,000 honor killings in the last six years. Nongovernmental groups recorded more than 1,300 honor killings in 2003. Proposed legislation on honor killings drafted in consultation with NGOs and the Human Rights Commission of Pakistan was sidelined in favor of a far weaker bill.

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## **Religious Freedom**

Sectarian violence increased significantly in Pakistan in 2004. While estimates suggest that at least 4,000 people, largely from the minority Shi'a Muslim sect, have died as a result of sectarian violence since 1980, the last five years have witnessed a steep rise in incidents of sectarian violence. For example, in October 2004, at least seventy people were killed in sectarian attacks perpetrated by both Sunni and Shi'a extremist groups in the cities of Multan and Karachi. In recent years, Sunni extremists, often with connections to militant organizations such as Sipah-e Sahaba Pakistan, have targeted the Shi'a. There has been a sharp increase in the number of targeted killings of Shi'a, particularly Shi'a doctors, in recent years. Those implicated in acts of sectarian violence are rarely prosecuted and virtually no action has been taken to protect the affected communities.

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

## **Military Impunity**

In December 2003, in order to push through controversial constitutional reforms that increased his powers, General Musharraf acceded to widespread demands to step down as army chief as part of the process of returning the country to civilian rule. But in October 2004, he reneged on the pledge made to the country in a televised speech by securing the passage of the "The President to Hold Another Office Act."

During President Musharraf's tenure, Pakistan's military increased its influence over the political and economic life of all Pakistanis. The starkest example of military impunity came from the brutal repression of a farmers' movement in Okara district of Punjab province, where tens of thousands of tenant farmers have resisted efforts by the military to usurp their legal rights to some of the most fertile farmland in Pakistan. Pakistani paramilitary forces subjected the farmers to a campaign of murder, arbitrary detention, torture, "forced divorces," and summary dismissals from employment. On two occasions, the paramilitaries literally besieged villages in the area of dispute, thus preventing people, food, and public services from entering or leaving for weeks on end. In Okara, senior military and political officials have either participated in or allowed violations to occur.

## **"War on Terror"**

The conduct of the "war on terror" in Pakistan led to serious violations of human rights. Suspects arrested and held on terrorism charges frequently were detained without charge and subject to trials without proper judicial process.

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In September 2003, Pakistani authorities detained thirteen young men and boys from Malaysia and Indonesia, the youngest of whom were under sixteen at the time of arrest, legally attending an Islamic school in Karachi. They were not alleged to have engaged in any illegal activity, but were arrested on the claim that they were being trained to engage in future terrorist activities. They were arrested by Pakistani security forces, held incommunicado, and interrogated by Pakistani and U.S. security personnel, and then shipped to their home countries. No charges have been brought against any of them.

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

According to government sources, at least sixty-three foreign and local combatants were killed in the operation. In addition, as the "spring offensive" got underway, army and paramilitary troops reportedly evicted between 25,000 and 35,000 civilians from the area in and around the village of Kalusha on March 16, 2004. Reports indicate that the Pakistan government made no arrangements for those evicted and scores of dwellings were destroyed in the subsequent fighting. Locals reported that upon their return they found belongings and cattle stolen and several homes arbitrarily converted into military check-posts. In the immediate aftermath of the army operation, the Pakistan Army reported the capture of 215 fighters, of whom at least seventy-three were foreigners from Chechnya, China's predominantly Muslim Xinjiang province, Afghanistan, Uzbekistan, and various Arab countries. There has been no confirmation from the Pakistan government about the whereabouts of those arrested. Military operations are ongoing in South Waziristan .

### ***Arbitrary Arrest and Detention of Political Opponents***

The government continued to use the National Accountability Bureau (NAB) and a host of anti-corruption and sedition laws to jail political opponents or blackmail them into changing their political stance or loyalties or at the very least to cease criticizing the military authorities.

In April 2004, the president of an opposition party, Makhdoom Javed Hashmi of the Alliance for the Restoration of Democracy, was sentenced to twenty-three years in prison on sedition charges for reading an anti-Musharraf letter to assembled journalists. Meanwhile, Asif Zardari, husband of former Prime Minister Benazir Bhutto has begun his ninth consecutive year in prison. Initially the government filed twelve cases against Zardari, most based on charges of corruption and financial impropriety. Though he

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has been bailed in eight and acquitted in four of these, in December 2001 a thirteenth case was filed against him on charges of evading duty on the import of a second-hand car. Zardari awaits a bail hearing.

### ***Freedom of Expression***

The rights to free expression and dissemination of information were persistently undermined through the arrest of editors and reporters from local and regional newspapers on charges of sedition.

Rasheed Azam, a journalist and political activist from Khuzdar in Balochistan province, claimed he was abused and tortured, including being beaten while hung upside down and subjected to sleep deprivation. He was released after several months in custody though charges of sedition filed against him are still being processed. Similarly, Amir Mir, a journalist working for the high-profile Karachi-based Herald magazine was reportedly publicly threatened by President Musharraf on November 20, 2003. Two days later, three unidentified persons set Amir Mir's car ablaze outside his house.

Two French journalists, Marc Epstein and Jean-Paul Guilloteau, and their Pakistani assistant, Khawar Mehdi Rizvi, were arrested in Karachi on December 16, 2003. They were reportedly preparing a report on alleged links between Pakistani government agents and the Taliban operating in neighboring Afghanistan. The Frenchmen were granted bail and eventually allowed to leave Pakistan on January 12, 2004, after paying a fine. However, Mehdi, reportedly tortured in custody, remained incarcerated until March 29, 2004, when he was granted bail. Mehdi faces sedition charges.

While the Pakistani government did not formally restrict access to South Waziristan during the “spring offensive,” journalists were repeatedly detained or prevented from reporting through tactics such as the destruction or confiscation of equipment. Journalists were eventually allowed limited access to the affected villages on March 28 upon the conclusion of the first phase of the operation. However, media access to FATA in general and South Waziristan in particular remains limited as military operations continue.

### ***Key International Actors***

Pakistan remains heavily dependent on the United States for economic and military aid. The U.S. has notably failed to press for human rights-related legal reform in the country, in exchange for Pakistan's support in the U.S.-led "war on terror." For its part, the government of Pakistan has excused its failure to uphold human rights and the rule of law by citing domestic political pressure from hard-line religious groups and militant organizations.

Pakistan's record of ratifying principal international human rights treaties remains poor. To date, it is signatory to only five international conventions, and has signed neither the International Covenant on Civil and Political Rights nor the International Covenant on Economic, Social and Cultural Rights.