

## Pakistan

Six years after seizing power in a coup d'état, President Pervez Musharraf's military-backed government did little in 2005 to address ongoing human rights concerns, such as legal discrimination against and mistreatment of women and religious minorities, a rise in sectarian violence, 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. In October a major earthquake in Pakistan's North West Frontier Province and Pakistan-administered Kashmir resulted in at least eighty-five thousand deaths and seventy-five thousand injured, and massive displacement of the local population.

Musharraf continued to tighten his personal grip on power. In October 2004 he secured the passage of "The President to Hold Another Office Act" in order to remain army chief. In 2005 he stated that he will remain army chief as long as "the national interest demands it," and refused to rule out holding on to both the presidency and army chief post beyond elections scheduled for 2007.

### ***Gender-based Violence and Discrimination***

As in previous years, violence against women remained rampant in Pakistan. Under Pakistan's existing Hudood Ordinance, proof of rape generally requires the confession of the accused or the testimony of four adult Muslim males 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 a woman 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 tens of thousands of 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 4,100 honor killings in the last four years. Nongovernmental groups recorded over 600 honor killings in 2004. Proposed legislation on honor killings drafted in consultation with nongovernmental organizations (NGOs) was sidelined in favor of a far weaker bill. Consequently, provisions of Pakistani law that allow the next of kin to "forgive" the murderer in exchange for monetary compensation remained in force, and continued to be used by offenders to escape punishment in cases of honor killings.

Domestic and international human rights organizations and media drew attention this year to the government's dismissive attitude regarding violence against women. In January 2005 Shazia Khalid, a

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doctor, was raped by a masked intruder alleged to be an army officer in Balochistan province. Khalid, who subsequently fled to London, accused President Musharraf's principal secretary of acting on behalf of the Pakistan Army in personally coercing her to leave the country. Mukhtaran Mai, who was gang-raped on the orders of a village council in 2002, was denied permission to travel to the United States in June, in order to prevent her from "maligning" Pakistan. The ban was lifted after an international outcry.

President Musharraf subsequently sparked international outrage by publicly stating that rape has become a "money-making concern," and suggesting that many Pakistanis felt it was an easy way to get a foreign visa. He specifically mentioned both Mukhtaran Mai and Shazia Khalid in this context. Despite the international and domestic condemnation, President Musharraf has not apologized for these remarks or withdrawn them.

### ***Sectarian Violence***

Sectarian violence continues to increase. Those implicated are rarely prosecuted and virtually no action has been taken to protect the affected communities. While estimates suggest that over 4,000 people, largely from the minority Shi'a Muslim sect, have died in such violence since 1980, the last six years have witnessed a steep rise in incidents. For example, on May 27, 2005, eighteen people were killed and dozens injured in a suicide bombing at the Shi'a Bari Imam shrine near Islamabad, where hundreds had gathered for a religious festival. On May 30, a Shi'a mosque in Karachi was attacked, killing five worshippers and wounding twenty. In retaliatory violence, a Shi'a mob burned down a fast food restaurant, killing six employees.

Sectarian violence also increased in the predominantly Shi'a Northern Areas. In January Agha Ziauddin, a leading Shia cleric, was murdered in the Himalayan city of Gilgit. At least 15 people died in ensuing sectarian violence, and tensions have continued to simmer. Gilgit, Skardu, and other towns in the Northern Areas have remained under intermittent curfew including for twelve days in October in the aftermath of the kidnapping of a local Shi'a activist, allegedly by the paramilitary force Pakistan Rangers. Human rights organizations and independent analysts assert that Pakistan's intelligence agencies are complicit in the sectarian violence in the Northern Areas.

### ***Religious Freedom***

Discrimination and persecution on grounds of religion continued in 2005, and an increasing number of blasphemy cases were registered. As in previous years, the Ahmadi religious community in particular was the target for arrests under various provisions of the Blasphemy Law for allegedly contravening the principles of Islam, and attacked by religious extremists. On October 7 Ahmadi worshippers were attacked in a mosque near Mandi Behaaddin in Punjab. Eight were killed and at least eighteen were injured. Other religious minorities, including Christians and Hindus, also continue to face discrimination.

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## ***"War on Terror"***

Since 2001 the conduct of the "war on terror" in Pakistan has involved 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. For example, Zain Afzal and Kashan Afzal, U.S. citizens of Pakistani origin, were abducted from their home in Karachi in August 2004 by Pakistani intelligence agents. They were released on April 22, 2005, without having been charged, after Human Rights Watch intervened. During eight months of illegal detention, the two brothers were repeatedly interrogated and threatened by U.S. FBI agents operating in Pakistan, and were subjected to torture by the Pakistani security services.

Military operations are ongoing in South Waziristan, adjacent to the Afghan border, and previously noted problems persist, including collective punishment, extrajudicial executions, arbitrary detentions, and limited access to prisoners.

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

The government continued to use the National Accountability Bureau and a host of anti-corruption and sedition laws to jail or threaten political opponents. Makhdoom Javed Hashmi, of the Alliance for the Restoration of Democracy, began a twenty-three year sentence for sedition, a charge brought against him for reading an anti-Musharraf letter to journalists in April 2004. In April 2005 thousands of opposition Pakistan People's Party (PPP) supporters, including several PPP parliamentarians, were arbitrarily arrested in a countrywide crackdown. Though many of those arrested were subsequently released without charge, cases against hundreds were filed under the Anti-Terrorism Act and under Pakistan's criminal procedure code. Scores continue to face charges and the fear of re-arrest. On May 11 Shahbaz Sharif, president of the Pakistan Muslim League (PML-N), was forcibly deported to Saudi Arabia when he attempted to end three years of involuntary exile. Prior to his arrival at Lahore Airport, scores of PML-N leaders and supporters were arrested and released subsequently.

During the summer of 2005, Musharraf presided over a three-phase local government election marked by brazen intimidation, coercion, and pre-poll rigging. Some forty people died in election-related violence, making this the most violent electoral exercise in Pakistan's recent history. During the campaign, many opposition candidates faced violence and intimidation at the hands of the police and civil administration. Independent observers reported numerous instances of kidnapping, mistreatment, and arbitrary detention of opposition supporters, as well as pre-election and election day irregularities.

## ***Freedom of Expression***

Pakistan observed World Press Freedom Day on May 3, 2005, with arrests and beatings of journalists in Islamabad and Lahore. Baton-wielding police violently dispersed a peaceful rally of approximately fifty journalists gathered at the Parliament building in Islamabad. In Lahore, security forces attacked approximately 200 journalists as they rallied peacefully at the Punjab governor's mansion to press for fairer working conditions.

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On May 11, 2005, the BBC's highly regarded Islamabad correspondent Zaffar Abbas was detained along with his cameraman as he attempted to cover the abortive return from exile of PML-N leader Shahbaz Sharif. Several other journalists were also mistreated in the incident. On July 18 Pakistani military police arrested Swedish citizens Leon and David Flamholz and Tahir Shah, a British writer of Afghan origin, in Peshawar. The three documentary filmmakers were illegally held in solitary confinement for fifteen days and arbitrarily deported on August 3. Rashid Channa, a reporter with the *Dawn* group of newspapers, was abducted from his home by plainclothes personnel on July 24, held illegally for more than 12 hours, and finally charged with attempted murder, allegedly on the orders of the Sindh provincial government. "Why are you filing anti-chief minister stories?" Channa was reportedly asked as he was arrested. He was released after rights groups intervened.

On March 2, 2005, the BBC World Service was forced to suspend Urdu-language news programs broadcast to the major cities via the radio station Mast FM103. On November 14, the same radio station and two satellite television channels were ordered to cease broadcasting the BBC's special extended bulletins on the earthquake. The government refused to comment on the decision.

### ***Attacks on Human Rights Defenders***

On May 14, 2005, human rights defenders organized a "mixed marathon," an event designed to highlight violence against women and to support their right of access to public spaces. The marathon was organized by the Human Rights Commission of Pakistan and affiliated NGOs. The event was attacked by police; Asma Jahangir, the U.N. special rapporteur on freedom of religion and head of the Human Rights Commission of Pakistan, the country's largest such nongovernmental group, was publicly beaten. The police, under orders, also attempted to strip her naked. Some forty others, including Hina Jilani, the U.N. special rapporteur on the situation of human rights defenders, were also beaten and arrested by the provincial police and the federal Intelligence Bureau. They were released later the same day.

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

Pakistan remains heavily dependent on the United States for economic and military aid. The United States 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 has still only signed five international conventions. It has signed neither the International Covenant on Civil and Political Rights nor the International Covenant on Economic, Social and Cultural Rights.