

## Pakistan

In office since a 1999 coup d'état, President Pervez Musharraf's military-backed government did little in 2006 to address a rapidly deteriorating human rights situation. Ongoing concerns include arbitrary detention, lack of due process, and the mistreatment, torture, and "disappearance" of terrorism suspects and political opponents; harassment and intimidation of the media; and legal discrimination against and mistreatment of women and religious minorities.

Significant developments with human rights implications in 2006 included the passage of the Women's Protection Bill amending the discriminatory Hudood Ordinances, a marked increase in hostilities between the government and armed militants in the mineral rich south-western province of Balochistan, a controversial peace deal between the government and Taliban supporters in Waziristan, and reconstruction efforts in post-earthquake Pakistan-administered Kashmir, which were marred by allegations of corruption.

### Gender-Based Violence and Legal Discrimination

In a significant though partial step towards ending legal discrimination against women, Pakistan's National Assembly passed the Women's Protection Bill on November 15 with the support of the opposition Pakistan Peoples Party. The passage of the bill removed some of the most dangerous provisions of the Hudood Ordinances. Judges have now been given authority to try rape cases under criminal rather than Islamic law. One important consequence of the change is that a woman claiming rape need no longer produce four witnesses, a requirement which had made successful prosecution almost impossible and put the rape victim at risk of being charged with adultery. The amendments also include dropping the death penalty and flogging for persons convicted of having consensual non-marital sex.

However, the Women’s Protection Bill fails to comply with many of Pakistan’s obligations under the Convention on the Elimination of Discrimination against Women, which calls on states to modify or abolish laws that discriminate against women. Discriminatory provisions of the Hudood Ordinances that criminalize non-marital sex—which remains punishable by a five-year prison sentence and a fine—remain in place and the law fails to recognize marital rape.

As in previous years, violence against women and girls, including domestic violence, rape, “honor killings,” acid attacks, and trafficking, remained serious problems in Pakistan. 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. According to Pakistan's Interior Ministry, there have been more than 4,100 honor killings since 2001. However, provisions of Pakistani law that allow the next of kin to “forgive” the murderer in exchange for monetary compensation remain in force, and continue to be used by offenders to escape punishment in cases of honor killings.

## **Religious Freedom**

Discrimination and persecution on grounds of religion continued in 2006, and an increasing number of blasphemy cases were registered. As in previous years, the Ahmadi religious community was a particularly frequent target. Ahmadis have been legally declared non-Muslims under Pakistani law and they can be charged under the blasphemy law for simply calling themselves Muslims. Scores were arrested in 2006. In June, three Ahmadis were badly beaten by a mob, while 10 houses, a mosque, and shops and other property belonging to Ahmadis were set on fire in a village near the town of Daska in Punjab province.

Other religious minorities, including Christians and Hindus, also continue to face legal discrimination, though the government appears to have instructed the police to avoid registering blasphemy cases against them.

## **“War on Terror”**

Counterterrorism operations in Pakistan continue to be accompanied by serious violations of human rights. Suspects held on terrorism charges frequently are

detained without charge or tried without proper judicial process. Human Rights Watch has documented scores of illegal detentions, instances of torture, and “disappearances” in Pakistan’s major cities. Counterterrorism laws also continue to be misused to perpetuate vendettas and as an instrument of political coercion.

Pakistani authorities have presented figures suggesting that more than 1,000 terrorism suspects have been arrested in the five years since 2001. The Pakistani government has processed only a fraction of the cases through the legal system. Hundreds of suspects have been handed over to the United States, often for sizeable bounties; many have ended up at Guantanamo. Among the “high-value” terrorism suspects whom Pakistan is believed to have handed over to the United States is Syrian-Spanish citizen Mustafa Setmariam Nasar, who was reportedly arrested in late October or early November 2005 in Quetta, Pakistan.

It is impossible to ascertain numbers of people “disappeared” in counterterrorism operations because of the secrecy surrounding such operations and the likelihood that the families of some of the “disappeared” do not publicize their cases for fear of retaliation. Notable “disappearance” cases in 2006 include Haji Yasin, an Afghan national who was abducted in Peshawar on June 22, and Imran Munir, who was summoned by Pakistan’s Inter-Services Intelligence (ISI) in late July 2006 and failed to return. The families of some 41 other “disappeared” persons publicly alleged in 2006 that their loved ones were being illegally detained.

Until a September peace agreement between the government and tribal leaders and militants closely allied with the Taliban, the Pakistan Army engaged in aggressive counterterrorism operations in Pakistan’s Federally Administered Tribal Areas along the Afghan border, with efforts particularly focused on the Waziristan region. Authorities restricted access to the region, but there were steady reports of extrajudicial executions, house demolitions, arbitrary detentions, and harassment of journalists.

Serious questions remain about the security of both Afghan people living across the border and residents of Waziristan after the signing of the peace deal. Armed groups in Pakistan’s tribal areas have engaged in vigilantism and violent attacks, including murder and public beheadings, and the government has done little to apprehend, let

alone prosecute Taliban and militant leaders guilty of committing serious human rights abuses across the border in Afghanistan and, increasingly, in Pakistan.

On October 30, the government's aerial bombing in Bajaur Agency of the tribal areas killed 82 people, including several children. The Pakistan government claimed all the dead were militants and rejected requests for an independent investigation. On November 8, in a retaliatory attack, 42 soldiers at a military training camp were killed by a suicide bomber in the town of Dargai in the North West Frontier Province.

### **Repression of Political Opponents**

The government continues to use the National Accountability Bureau and a host of anti-corruption and sedition laws to keep in jail or threaten political opponents, particularly members of former Prime Minister Benazir Bhutto's Pakistan Peoples Party and the Pakistan Muslim League (Nawaz). As elections approach in 2007, such persecution is expected to increase. Makhdoom Javed Hashmi, of the Alliance for the Restoration of Democracy, who received a 23-year sentence for sedition in April 2004, a charge brought against him for reading an anti-Musharraf letter to journalists, remained in jail at this writing.

Political unrest in the southwestern province of Balochistan took a serious turn for the worse in 2006. Though the dispute in Balochistan is essentially political, centered on issues of provincial autonomy and exploitation of mineral resources, the Pakistani military and Baloch tribal militants have increasingly sought a military solution to their disagreements.

The Balochistan Liberation Army, a guerilla outfit comprising tribal militants, has not limited its attacks to Pakistani military targets, but has also attacked economic infrastructure and civilians using rockets and landmines. Meanwhile, hundreds of Baloch political activists have been arbitrarily detained, scores have been disappeared, and torture by security forces of political opponents has become routine. Military operations in the province have frequently been accompanied by allegations of the excessive use of force, particularly in periodic attacks on Dera Bugti, the stronghold of tribal chieftain Nawab Akbar Bugti. The August 26, 2006,

killing of Bugti in a controversial military operation plunged Balochistan into further unrest and was followed by a new round of arbitrary arrests and “disappearances.”

## **Freedom of Expression**

Though media freedoms have increased in recent years, particularly for the English-language press, free expression and dissemination of information were persistently undermined in 2006 by the murder, torture, kidnapping, illegal detention, and coercion of reporters working for local, regional, national, and international media.

In Waziristan, journalist Hayatullah Khan was found dead six months after he was abducted in December 2005. Powerful circumstantial evidence suggested the involvement of Pakistan’s Inter-Services Intelligence agency. In the southern province of Sindh, journalist Mehruddin Mari went missing on June 27. Mari, a correspondent for the Sindhi-language newspaper *The Daily Kawish*, was taken by police, according to journalists who witnessed his detention. On June 22, Mukesh Rupeta and Sanjay Kumer were finally produced in court and charged after being held illegally by the Pakistani intelligence services for more than three months. The two were tortured while detained for filming a Pakistani air force base. Saeed Sarbazi, a newspaper reporter, was released on September 23 after being beaten and interrogated for three days by intelligence agents on suspicion of supporting Baloch militants. On September 17, two journalists from Pakistan’s ATV and a correspondent of the Dubai-based satellite news channel ARY One World were badly beaten and injured by police in Lahore as they covered a religious gathering. The above list is far from exhaustive. In addition, many print and television journalists were verbally threatened by intelligence personnel, government officials, and non-state actors.

Tight controls on freedom of expression have also been a hallmark of government policy in Azad Kashmir. Pakistan has prevented the creation of independent media in the territory through bureaucratic restrictions and coercion. Publications and literature favoring independence are banned. While militant organizations promoting the incorporation of Indian-administered Jammu and Kashmir state into Pakistan have had free rein to propagate their views, groups promoting an independent Kashmir find their speech sharply, sometimes violently, curtailed.

## **Key International Actors**

President Musharraf remains heavily dependent on the Bush administration for political support, while Pakistan remains equally dependent on the United States for economic and military aid. The United States has notably failed to press strongly for human rights improvements in the country, muting its criticism in recent years in exchange for Pakistan's support in the US-led "war on terror."

International donors have poured billions of dollars of urgently needed relief and reconstruction aid into Pakistan-administered Azad Kashmir since the October 2005 earthquake. Before the earthquake struck, Azad Kashmir was one of the most closed territories in the world. Corruption allegations in late 2006 against senior government officials highlighted serious ongoing weaknesses in governmental accountability in the region. Donors have not used their leverage to insist on improvements in human rights practices and the rule of law.

Pakistan's record of ratifying principal international human rights treaties remains poor. It has signed only five international conventions which notably do not include either the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights. Pakistan played a negative role as a member of the new UN Human Rights Council and fought doggedly within the council to shield OIC states from criticism.