

# Human Rights Watch

## Discrimination, Detention, and Deportation: Immigration & Refugees

[https://www.hrw.org/legacy/worldreport/Asia-09.htm#P823\\_214912](https://www.hrw.org/legacy/worldreport/Asia-09.htm#P823_214912)

### Annual reports

--	--	--

□

#### Human Rights Watch World Report 1998

### PAKISTAN

#### Human Rights Developments

Sectarian violence and the government's harsh response to it dominated Pakistan's political landscape in 1997, leaving little scope for improvement in human rights. Although violence in Karachi dropped considerably following the brutal 1996 crackdown against the armed opposition Immigrants' National Movement (Mohajir Quami Movement or MQM), clashes continued between the MQM and federal security forces. Sectarian violence between Sunni and Shi'a political groups also escalated dramatically in Punjab, leaving at least 200 dead. In August, in a misguided effort to quell the violence, the Nawaz Sharif government enacted the Anti-Terrorism Act (ATA)-a hastily conceived law suspending constitutional safeguards and giving increased power to police and other security forces. At the same time, the government made no progress in curbing rampant police abuse or in addressing statutory discrimination against women and religious minorities. The government took some steps to respond to international pressure to end child labor but without seriously enforcing legislation prohibiting bonded labor.

In February, the Pakistan Muslim League (PML), led by Prime Minister Nawaz Sharif, swept the national and Punjab assembly seats in elections triggered by the November 1996 dismissal of Benazir Bhutto, leader of the Pakistan People's Party (PPP). The grounds for Bhutto's dismissal included corruption and human rights abuses committed in the course of the crackdown on the MQM in Karachi. A judicial inquiry into extrajudicial executions of some MQM militants was begun in June; its report was due in October.

The change of government did not herald an end to human rights violations in Karachi. At least 400 persons had been killed in the city between January and November, victims of extrajudicial executions by police and federal security forces or retaliatory killings by the MQM. Several children were counted among the victims, including a twelve-year-old whose corpse was found on a garbage dump with a note accusing him of being a police informer. The MQM has claimed to represent mohajirs, Urdu-speaking migrants who fled India after the 1947 partition and who compose 60 percent of Karachi's population of twelve million. Following a government crackdown in July, involving 8,000 paramilitary police in Karachi, the MQM changed its name to United National Movement (Muttahida Quami Movement, still with the initials MQM) and raised demands for free education and an end to discrimination against the Ahmadiya religious minority (see below) in an apparent bid to attract other ethnic groups. It remained to be seen whether the move would result in an end to the group's campaign of political violence. Meanwhile, hundreds of MQM activists and supporters remained in prison without trial.

In Punjab, at least 200 people were killed in sectarian clashes. Police blamed the surge in violence on escalating strife between the militant Sunni Sipah-I-Sahaba Pakistan (SSP) and its Shi'a counterpart, Sipah-I-Mohammad Pakistan (SMP). Founded in the early 1980s, the SSP has demanded that Shiites be declared a non-Muslim minority in Pakistan. The murder of Sunni leader Zia ul-Rehman in Lahore in January and the February killing of Muhammed Ali Rahimi, head of an Iranian cultural center in the southern Punjab city of Multan, provoked further retaliatory attacks between members of the two sects during the year. In July, police launched a crackdown on religious militants aimed at stemming sectarian violence in Punjab province. Over forty people were picked up in police raids in the cities of Rawalpindi, Jhelum, Chakwal, and Attock. Meanwhile, in the northwestern city of Peshawar, police set on fire more than fifty homes and shops of suspected criminals in an effort to curb crime in the tribal area and break up a kidnapping ring.

On August 6, nine people were killed in an attack on the Sunni Ziaul Uloom Mosque in the Gujjarpura area of Lahore, the capital of Punjab. The same day, three worshippers were killed when a bomb exploded in a Sunni mosque in Multan. The attacks were believed to be in retaliation for the killing of a Shi'a shopkeeper earlier in the day. Following the incidents, mosques in Lahore began posting private armed guards to protect against random attacks.

Sunni Islamic schools, many under SSP control, have operated as recruiting centers for soldiers fighting in Afghanistan, including those associated with the Taliban, a movement of conservative students whose forces took control of much of Afghanistan in 1996 with Pakistan's support. Because of the SSP's role in the Afghan conflict, officials have often looked the other way and allowed it and other such groups to operate with impunity. In August, however, police began investigating charges against an Islamic school accused of forcibly sending thirteen-year-old Maroof Ahmed to join the Taliban in Afghanistan. The case prompted a number of other investigations into such schools. Claiming that the violence in Punjab and Karachi represented an "extraordinary situation" requiring an "extraordinary measure," in August the government introduced the Anti-Terrorism Act, a law which authorized law enforcement personnel to open fire on anyone "committing a terrorist act" or "likely to commit a terrorist act." The ATA also authorized police to arrest and search without a warrant and take possession of any property or weapon "likely to be used" in any act of terrorism. A provision allowing confessions to the police, even those made under duress, to be admissible as evidence contradicted constitutional protections against self-incrimination and the use of torture. Eleven special courts were set up under the ATA to carry out summary seven-day trials for those charged with acts of terrorism. Within days of the ATA becoming law, more than 3,000 lawyers in Punjab staged a protest strike, demanding its repeal. As of October, the new law had been challenged in three high courts.

Despite protests by medical practitioners, ordinary criminal courts and Shari'a (Islamic) courts continued to award sentences of qisas, punishment equal to the injury caused, and diyat, blood money. Human rights groups have complained that the Qisas and Diyat Ordinance has effectively enabled wealthy and influential people to escape punishment even for crimes as serious as murder or assault and has been discriminatory toward non-Muslims who do not have the option of paying diyat for the murder of a Muslim.

In April, the National Assembly amended the Offence of Zina (Enforcement of Hudoood) Ordinance 1979 to award the death penalty to persons convicted of gang rape. At the same time, the government made no move to amend provisions of the Zina Ordinance that have been interpreted in such a way that rape victims may be charged with adultery if they are unable to prove rape. In August, the government-appointed Commission on the Status of Women, an advisory body which included a number of

prominent human rights activists, recommended that the Hudood Ordinances (of which the Zina Ordinance is a part) be repealed. The report also recommended that marital rape be considered a crime; that women be given the right to seek an abortion within 120 days of pregnancy; and that 33 percent of seats in each elective body, from the local to national level, be reserved for women. As of November, the government had yet to react to the Commission's recommendations.

On March 10, the Lahore High Court handed down a landmark decision in the much-publicized Saima Waheed case, upholding the validity of the twenty-two-year old Pakistani woman's marriage, which had been challenged by her father. Many women's rights activists remained cautious about the judgment which also called for basic amendments to family laws to enforce parental authority and discourage courtships and extramarital relationships. The Supreme Court was to hear an appeal on the High Court decision by the end of the year. Waheed remained in hiding because of threats from religious organizations opposed to the court's decision.

Pakistan's so-called blasphemy laws and other legislation regulating religious practice were used to harass, intimidate and punish religious minorities, particularly Christians and Ahmadis. As of July, more than 2,000 Ahmadis had been charged with various offenses under the laws. The laws contributed to a climate of violence against these groups. On June 19, Ateeq Ahmad Bajwah, an Ahmadi lawyer and local leader of the Ahmadiyya community, was shot and killed in broad daylight in Vihari, Punjab. At this writing, no one has been arrested for the murder. On October 10, retired High Court Justice Arif Iqbal Bhatti was shot and killed in his Lahore office. The murder was reportedly committed by a member of a militant Sunni Muslim organization who was enraged by Justice Bhatti's 1995 decision to acquit two Pakistani Christians accused of blasphemy.

Despite repeated assurances that freedom of the press would be respected under the Sharif administration, a number of journalists were attacked and newspaper offices ransacked in 1997. Reporters working in remote areas and for smaller publications were most vulnerable. The attacks were instigated predominantly by political parties angered by reporting critical of their members or activities.

The year began on an ominous note when the Peshawar Press Club was attacked during a New Year's eve function by armed workers of two Islamist parties, the Jamaat-e-Islami and the Jamiat Ulema Islam. The two religious parties later apologized to journalists and promised to take disciplinary action against those responsible. In February, the Rawalpindi offices of the Urdu daily Assas were ransacked and staff members attacked by over one hundred armed persons reportedly angered by the paper's refusal to publish a political candidate's statement containing unconfirmed allegations against his opponent. In the same month, Sailab Meshud, president of the Tribal Union of Journalists and correspondent for the daily The News was severely beaten by a police officer when he attempted to obtain information on a detainee held at a police station in the Punjabi town of Tank. In March, a bomb exploded in the office of the Urdu evening newspaper Qaumi Akhbar. Although no one was injured, the office sustained extensive damage.

In August, Shakeel Naich, chief reporter for Awami Awaz, was brutally assaulted by political activists angered by an interview Naich had published critical of Mumtaz Bhutto, former caretaker chief minister of Sindh and chief of the Sindh National Front (SNF) party. Naich sustained serious head injuries as a result of the attack. Workers for SNF later obstructed distribution of the paper in numerous cities by seizing bundles and setting them on fire. The bureau office of the newspaper Kawish in Larkana, Sindh, was ransacked and burglarized the following month, apparently because of its extensive coverage of the assault on Naich. A similar incident took place in May when copies of the English daily Dawn were confiscated and burned, reportedly in retaliation for the publication of an article critical of the chief minister of Sindh, Liaquat Ali Khan Jatoi.

The year was further marred by the deaths of two journalists and the court martial and conviction of a third. On January 18, one press photographer was killed and five others were injured in a bomb blast at a Lahore Sessions Court. The bomb was intended for leaders of the Sipah-I-Sahaba party who had been brought to the court for a hearing. On June 9, Shamsuddin Haider, a program producer for Radio Pakistan, was shot in his home by two gunmen in the southern Punjab town of Bahawalpur. For only the second time in Pakistan's history, a civilian journalist was tried in a military court. Humayun Fur, Peshawar bureau chief of the daily Mashriq, was detained in June and charged with "anti-state" activities. On September 9 he was sentenced to five years in prison. The Human Rights Commission of Pakistan expressed serious concern over Fur's conviction and predicted that it would have a chilling effect on freedom of the press in the country. On October 7 Fur was pardoned on medical grounds soon after he was hospitalized for hepatitis C and jaundice. Fur's condition had reportedly deteriorated in jail, where repeated requests for medical attention were ignored.

### **The Right to Monitor**

As had been the case in previous years, human rights activists in 1997 continued to receive more threats from religious groups than from government agents. Asma Jahangir, a prominent human rights lawyer and chairperson for the Human Right Commission of Pakistan, continued to receive threats from religious organizations opposed to the Lahore High Court's decision in the Saima Waheed case.

### **The Role of the International Community**

The international community's concerns focused largely on child labor to the exclusion of most other human rights concerns.

#### **United Nations**

After a ten-year lapse, Pakistan resumed dialogue with the U.N. Committee on the Elimination of Racial Discrimination upon the country's submission of its tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports (pursuant to Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination). At a meeting in March, the committee commended Pakistan for establishing a Ministry of Human Rights in 1995 and particularly noted the active role played by the nongovernmental Pakistan Human Rights Commission. The committee noted that Pakistan's definition of minorities was based on religious affiliation and not on ethnic, racial or linguistic grounds, and recommended that Pakistan extend its legal protections to all minority groups. Further information on the right to equal treatment before tribunals and on protection by the state against violence or bodily harm (whether inflicted by government officials or by any individual group or institution) was also requested.

#### **European Union and the**

#### **United States**

In December 1996 the European Commission and representatives of the government of Pakistan met in Brussels for the first round of negotiations for a new, third-generation agreement between the European Community and Pakistan. The agreement covers cooperation in development, trade and commerce, economics, and science and technology. The parties met again in April 1997 and continued to face a deadlock on issues relating to human resource development. Pakistan refused to include any specific reference to International Labour Organization (ILO) principles, particularly those relating to child labor, in the text.

Any progress by the Pakistan government to address the problem of child labor was due in large part to increased international pressure. Although enforcement of relevant laws, particularly the Bonded Labour (Abolition) Act, remained grossly inadequate, the government took some positive steps during the year. On February 15, under an accord signed with the ILO, Pakistan agreed that children under fourteen would no longer be employed in the stitching of soccer balls. Nike, Reebok and several other sporting goods companies simultaneously announced their decision not to buy soccer balls made in Pakistan using child labor. The project was set to be phased in over a period of eighteen months. Pakistan, the European Union, and the ILO's International Programme for Elimination of Child Labour (IPEC) launched two additional programs targeting child labor. On May 31, officials announced that U.S. \$1.5 million would be spent on rehabilitating 7,000 children employed in the football stitching industry in Sialkot. Another \$2.2 million, two-year program was launched to target bonded child labor in carpet and brick factories.

The moves should be seen in the context of a petition filed with the European Commission which could eventually trigger the withdrawal of tariff benefits under the E.U.'s Generalized System of Preferences (GSP) program if Pakistan failed to begin to address the problem of forced labor. The United States had already partially suspended Pakistan's preferential trade benefits under the GSP program in March 1996. The suspension, which affected trade in surgical instruments, sporting goods, and

certain carpets, was due in part to Pakistan's inadequate efforts to address the problem of bonded and child labor. As of October 1997, the U.S. had not reinstated those benefits.

In May, members of the European Parliament proposed that India and Pakistan use the International Court of Justice in the Hague as a forum to resolve their disputes over Kashmir. U.S. President Bill Clinton met with Indian Prime Minister Inder Kumar Gujral and Pakistani Prime Minister Nawaz Sharif in September and renewed the United States' offer to help the two countries settle their differences.

[email Human Rights Watch](#)

--	--	--

This Web page was created using a Trial Version of [Transit Central Station 3.0](#).