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U.S. Department of State

Pakistan Country Report on Human Rights Practices for 1998

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PAKISTAN

Pakistan is an Islamic republic with a democratic political system. The Prime Minister, selected by a majority within a popularly elected Parliament, has wide constitutional power. The Pakistan Muslim League (PML) Government of Prime Minister Mian Nawaz Sharif, which came to power in February 1997 with a massive Parliamentary majority, passed constitutional amendments (the 13th and 14th) which removed the power of the President to dismiss the Government at his discretion and banned defections from political parties, two of the most frequently used methods of bringing down previous governments. These measures, which enjoyed opposition support, were aimed at enhancing political stability at the national level. As a result, the Government has greater power than any of its predecessors since the return of formal democracy in 1988. The Government's power was further enhanced by a 1997 constitutional confrontation between the Prime Minister and the Chief Justice of the Supreme Court over the selection of five new justices for the Court. As a result of this struggle, the former President resigned in December 1997, and the Prime Minister's candidate was elected by the Parliament to the presidency. That same month, a Supreme Court panel deprived the Chief Justice of his position and a new Chief Justice was sworn in. Some observers feared that this confrontation damaged the prestige and independence of the judiciary. The Constitution provides for an independent judiciary; however, it is subject to executive branch influence. Nonetheless, the Supreme Court demonstrated a continued degree of independence on a number of occasions.

Responsibility for internal security rests primarily with the police, although paramilitary forces, such as the Rangers and Frontier Constabulary, provide additional support in areas where law and order problems are especially acute, such as Karachi and the frontier areas. Provincial governments control the

police and paramilitary forces when they are assisting in law and order operations. The regular army also occasionally is deployed to assist in maintaining public order in sensitive areas during certain religious holidays. Members of the security forces committed numerous serious human rights abuses.

Pakistan is a poor country, with great extremes in the distribution of wealth between social classes. Its per capita annual income is \$490. The overall illiteracy rate is 62 percent, and is even higher for women. Cotton, textiles and apparel, rice, and leather products are the principal exports. The economy includes both state-run and private industries and financial institutions. The Constitution provides for the right of private businesses to operate freely in most sectors of the economy. The Government made several economic reforms, including privatizing state-owned enterprises and reducing tariffs. Politically driven confrontations with Independent Power Projects (IPPS) and the Government's inability to repay investors in hard currency have damaged investor confidence and hampered privatization.

The Government's human rights record remained poor, with serious problems in several areas. Despite attempts to reform and to professionalize the police, police committed numerous extrajudicial killings and tortured, abused, and raped citizens. While the officers responsible for such abuses sometimes were transferred or suspended for their actions, there is no evidence that any police officers were brought to justice. In general, police continued to commit serious abuses with impunity. Prison conditions remained poor, and police arbitrarily arrested and detained citizens. In Karachi killings between rival political factions often were carried out with the assistance of criminal gangs. However, many such killings also were believed to have been committed by or with the participation of security forces. The Government has used the "accountability" process--which supposedly was designed to expose previous wrongdoing, recoup ill-gotten gains, and restore public confidence in government institutions--for political purposes by harassing and arresting a number of prominent politicians and bureaucrats connected with the main opposition party. Few of those arrested and questioned have been put on trial. Case backlogs lead to long delays in trials, and lengthy pretrial detention is common. The judiciary is subject to executive influence, and suffers from inadequate resources, inefficiency, and corruption. Despite concerns about damage to the judiciary due to the December 1997 confrontation between the Prime Minister and the Chief Justice of the Supreme Court, there were several instances in which the Supreme Court showed a continued degree of independence, striking down draconian laws favored by the Government, including limits on freedom of speech, elements of a controversial antiterrorist law, and some restrictions on fundamental liberties imposed by the state of emergency declared in the wake of Pakistan's nuclear tests in May. The Lahore High Court and the Supreme Court struck down key provisions of the 1997 Anti-Terrorist Act, virtually halting the operation of special antiterrorist courts. Human rights leaders and others had criticized the controversial law, charging that it violated the Constitution by setting up a parallel judicial system charged with deciding cases in a truncated time period (7 days) and by granting the police extraordinary powers that threatened individual liberties. On November 20, the Prime Minister announced the establishment of military courts in Karachi. These courts are authorized to try terrorists swiftly, and those convicted may appeal only to a higher military court. In October the National Assembly voted for a 15th constitutional amendment, which would oblige the Government to enforce the Shari'a (Islamic law). However, by year's end, the measure had not yet been voted on in the Senate, where the Government lacks the two-thirds majority needed to amend the Constitution. The Government infringed on citizens' privacy rights. Although the press largely publishes freely, the Government uses its large advertising budget to influence content, journalists practice self-censorship, and the broadcast media remain a closely controlled government monopoly. The Government's actions against the Jang newspaper group because of an editorial stance critical of the Government were particularly egregious. The Government imposes limits on freedom of assembly, movement, and--for the Ahmadis in particular--of religion.

On October 30, Prime Minister Nawaz Sharif invoked article 232 of the Constitution to suspend the Sindh Assembly and to impose Governor's Rule in the province in response to growing law and order

problems, including politically motivated violence, which by year's end had led to the killings of more than 1,000 persons. Political groups, including rival Sunni and Shi'a sectarian extremists, various factions of the Muttheda Quami Movement (MQM), and MQM opponents, were responsible for while religious extremists continued to discriminate against and persecute religious minorities, particularly Ahmadis and Christians, justifying their activities in part on legislation that discriminates against non-Muslims. Despite government imposed procedural changes that made the registration of blasphemy charges more difficult, at least two more Christians were charged with blasphemy and remain in prison in Punjab. A Shi'a Muslim and a Christian both were convicted of blasphemy and sentenced to death, although to date such sentences have never been carried out. A Roman Catholic Bishop committed suicide, apparently to protest the Christian's sentencing. The suicide was followed by communal disturbances in Punjab. Another Christian was convicted of blasphemy on a lesser charge and released for time served (4, years). Three Ahmadis sentenced in 1997 to life in prison for blasphemy remained incarcerated. Religious and ethnic-based rivalries resulted in numerous murders and civil disturbances. Traditional social and legal constraints kept women in a subordinate position in society. Significant numbers of women continued to be subjected to violence, abuse, rape, trafficking, and other forms of degradation by their spouses and members of society at large. Violence against children, as well as child abuse and prostitution, remained problems. Female children still lag far behind boys in education, health care, and other social benefits. The Government and employers continued to restrict worker rights significantly. Bonded labor by both adults and children remained a problem. Debt slavery persists. The use of child labor remained widespread, although it is now generally recognized as a serious problem and industrial exporters have adopted a number of measures to eliminate child labor from specific sectors. Mob violence and terrorist attacks remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

The extrajudicial killing of criminal suspects, often in the form of deaths in police custody or staged encounters in which police shoot and kill the suspects, is common. In Punjab a police crackdown on notorious criminals resulted in scores of extrajudicial killings, especially in staged encounters around Lahore. Public criticism of these killings was muted, since crime dropped noticeably. In contrast to previous years, the police exhibited greater selectivity in choosing their victims, focusing on those widely believed to be violent criminals. During the year, 143 persons were killed in 72 encounters. Suspected criminals were killed by the police to prevent them from implicating police in crimes during court proceedings. Police officials maintain in private that due to the lack of concrete evidence, witness intimidation, corruption in and threats against the judiciary, and sometimes political pressure, courts often fail to punish criminals involved in serious crimes. Police professionalism is low. The police view the killings of criminal suspects as appropriate in light of the lack of effective action by the judiciary against criminals. The judiciary, on the other hand, faults the police for presenting weak cases that do not stand up in court.

Police officers occasionally are transferred or briefly suspended for their involvement in extrajudicial killings. However, court-ordered inquiries into these killings so far have failed to result in any police officer receiving criminal punishment. In general, police continued to commit such killings with impunity.

On July 18, four criminal suspects were apprehended in Karachi and brought to Lahore by authorities. Newspapers heralded the arrest as "the bust of the year," and photographed their arrival at Lahore airport. However, despite this public evidence police later claimed that the suspects were killed in a July

19 encounter in Lahore "after an exchange of gunfire." On July 21, the Lahore police killed Abdus Salam; he was blindfolded and his hands were tied when he was shot. The police claimed that he was being transported to a witness identification lineup when three motorcyclists shot him. No police officers were injured in this alleged "attack." Local eyewitnesses reported that the police removed Abdus from their vehicle, shot him, and then fired shots into the air. In one of many other examples, three alleged robbers were killed in a claimed shootout outside Lahore on August 3. However, sources told the press that police arrested two of the robbers in late July.

In some instances, action was taken against police suspected of abuse. Awais Akram, a bank teller, was tortured severely and pushed from the roof of Civil Lines police station in Lahore on March 15. Two senior police officers were suspended and charged with responsibility for his murder. According to human rights advocates, the two police officers have not been reinstated to their positions and the case is currently before the Lahore High Court. Three police officers were charged with the May 11 killing of Arbab Yousah, age 18, the son of a Pakistan People's Party (PPP)-supported candidate in Punjab's local government elections. Arbab was arrested on May 4 on robbery charges brought by the local ruling Pakistan Muslim League (PML) candidate. Police claim that Arbab died of natural causes. On May 12, police in the Northwest Frontier Province (NWFP) arrested Ghulam Jilani, a 14-year-old boy, in Manshera. Jilani was arrested on theft charges, and subsequently was sexually abused and tortured to death by the local police. The police initially tried to portray the death as a suicide. In response, angry protestors set fire to police offices and residences. The NWFP Chief Minister fired the entire staff of the police station where the incident occurred, and arrested those involved on a murder charge. The Chief Minister also formed a judicial tribunal to investigate the incident. According to press reports, in late July two men died while in police custody in Lahore. The two were believed by police to have been responsible for robbing a bank, the first such crime in Lahore in months. Police claimed to have killed the suspects in a shoot-out. However, medical examiners told the press that they believed that the suspects were tortured, since their bodies had broken limbs and numerous wounds consistent with severe electric shock. The bodies also exhibited signs of at least 24 hours of decay, although the police claimed to have shot the suspects a just few hours earlier. Three other police officers were charged with the August 8 murder of Abbas at Gogera, Punjab. Abbas' body was dumped into a canal and recovered 3 days later 60 miles downstream. The leading police official of the district organized the search and recovery of the body and publicly stated that his constables were responsible and should be prosecuted. The accused were granted prearrest bail by the local judge.

Politically motivated violence remained a problem in Karachi, despite the presence within the ruling coalition in Sindh province for much of the year of the Muttehida Qaumi Movement (MQM), which previously had been a cause of much of the violence. The MQM was formed by Altaf Hussein in 1984 as a student movement to further the rights of Mohajirs, the descendants of Urdu-speaking Muslims who migrated from India to Pakistan following partition in 1947. It soon became an organization with criminal elements, which generated income through extortion and other forms of racketeering. Despite this, the MQM-Altaf, in part because of its efficient organization and willingness to use violence and intimidation to achieve its goals, became the dominant political party in the Sindh urban centers of Karachi and Hyderabad. The MQM, despite a number of moderate and nonviolent leaders now in the Senate, National Assembly and Sindh Provincial Assembly, has not been able to separate itself from its violent past. As a result, it has antagonized followers, suffered violent breakaways, and continually has been at odds with successive governments. The MQM is presently split between the original MQM, formerly known as the Mohajir Quami Movement, and headed by Altaf Hussain (MQM-Altaf), a large breakaway group (MQM-Haqiqi), and other, smaller factions.

Violence among these rival MQM factions, especially between the Muttehida Quami Movement (MQM-Altaf) and the Mohajir Quami Movement (MQM-Haqiqi), continued in waves. The fighting intensified in June, resulting in more than 171 persons killed. Some of the attacks were believed to have

been carried out either with police participation or acquiescence. Affected neighborhoods were under the control of gunmen. The violence was exacerbated by the creation of a new MQM faction, the Basic Association of Citizens of Karachi (BACK), headed by a former bodyguard of the self-exiled London-based MQM leader Altaf Hussein. The BACK was implicated in the torture killings of members of the other two MQM factions (the MQM-Altaf and the MQM-Afaq/Haqiqi). These two factions also continued to kill each other's activists. The violence slowed somewhat after the Sindh police increased their presence in Karachi in late June, and paramilitary rangers were allowed to enter houses without warrants to make arrests. By year's end, more than 1,000 persons had been killed in politically related violence.

The fragile Sindh governing coalition between the ruling PML and the MQM-Altaf finally collapsed in August, but the MQM-Altaf did not bring down the minority government of Sindh PML Chief Minister Liaqat Jatoi. The MQM-Altaf was angered by the Government's inaction in clearing the "no-go areas" occupied by the rival MQM-Haqiqi faction, where MQM-Altaf organizers were barred from entry. The MQM-Altaf also complained that paramilitary ranger and police operations were directed primarily against them, rather than their rivals. The MQM-Altaf accused security forces of killing and torturing scores of its workers. Overall, police and security forces remained free from legal and judicial restraint in Sindh.

On October 30, the Prime Minister invoked Article 232 of the Constitution to suspend the Sindh Assembly and impose Governor's Rule in the province after the October 17 killing of former Sindh governor Hakim Mohammad Saeed. The Government took these steps to combat the growing violence in Karachi. Saeed had been outspoken in his criticism of the MQM, which he blamed for terrorist acts in Karachi. The authorities barricaded the Sindh Provincial Assembly and forbade meetings of Assembly members. On November 21, two MQM Members of the Provincial Assembly (MPAs) were arrested for arms possession during a raid on the MQM office in Karachi. During questioning, police beat one of the MPAs, whose eye showed the effects of a severe blow in a newspaper photograph. Police claims that he was resisting arrest were weakened by the fact that the MPA involved is an underweight, older man in poor health. One MQM activist died in police custody in October, apparently as a result of beatings, and another was injured in custody.

Politics are often a source of violence. In May, 54 persons died in election related violence in Punjab (see Section 3).

During the year there were also killings of government officials. On July 25, there was an attempt on the life of Nationa