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PAKISTAN

For most of the year, Pakistan was an Islamic republic with a democratic political system; however, on October 12, the elected civilian government of Prime Minister Mian Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. General Musharraf, in consultation with senior military commanders, designated himself Chief Executive, and suspended the Constitution, the National Assembly, the Senate, and the provincial assemblies. The office of the President, which is mainly ceremonial, was retained. General Musharraf appointed an advisory National Security Council, which included both military and civilian advisers, and a civilian cabinet. The government bureaucracy continued to function; however, at all levels, the functioning of the Government after the coup was "monitored" by military commanders. Prior to the coup, the Prime Minister, selected by a majority within a popularly elected Parliament, had wide constitutional power. The Pakistan Muslim League (PML) Government of Prime Minister Nawaz Sharif, which came to power in February 1997 with a two-thirds Parliamentary majority, passed constitutional amendments (the 13th and 14th) in 1998, which enhanced the power of the Prime Minister by removing the power of the President to dismiss the Government at his discretion and banning 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 of these changes, the Sharif Government had greater power than any of its predecessors since the return of formal democracy in 1988. However, the military continued to exercise considerable influence over decision-making. The power of the Government 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 provided for an independent judiciary; however, it was

subject to executive branch influence. Nonetheless, the Supreme Court demonstrated a continued degree of independence on a number of occasions prior to the coup. Corruption and inefficiency are problems in all branches.

Responsibility for internal security rests primarily with the police, although paramilitary forces, such as the Rangers and Frontier Constabulary, provide support in areas where law and order problems are 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. After the coup, the army played a role in enforcing exit control restrictions at airports and border crossings as part of the Musharraf regime's accountability efforts. Members of the security forces committed numerous serious human rights abuses.

Pakistan is a poor country, with great extremes in the distribution of wealth. 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 has 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 poor human rights record deteriorated under the Sharif Government, and there were serious problems in several areas; however, the situation worsened with the seizure of power by General Musharraf, in that after the coup, citizens no longer had the right to change their government peacefully. Despite attempts to reform and to professionalize the police, both before and after the coup 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 Sharif Government 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 were put on trial; however, former Prime Minister Benazir Bhutto and her husband were convicted on corruption charges in April. Bhutto was sentenced to 5 years in prison, disqualified from holding public office, and fined. The Musharraf regime used arbitrary detention, including incommunicado detention, against political figures from the Sharif Government and their families; and the Musharraf regime's in the Musharraf regimes' anti-corruption campaign violated due process. Case backlogs under both Governments led to long delays in trials, and lengthy pretrial detention is common. The judiciary is subject to executive and other outside 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 instances prior to the coup in which the Supreme Court showed a continued degree of independence. While in February 1998 the Sharif Government ceased using military courts to try certain civilian cases at the demand of the Supreme Court, special antiterrorism courts expanded their jurisdiction to include murder, gang rape, child molestation, and "illegal" strikes. These courts are authorized to try terrorists swiftly, and those convicted may appeal only to a higher military court. In October 1998, the National Assembly voted for a 15th constitutional amendment, which would oblige the Government to enforce Shari'a (Islamic law). However, the Senate did not vote on the measure before it was suspended by the Musharraf regime in October. Both the Sharif Government and the Musharraf Government infringed on citizen's privacy rights. Although the press continued to publish relatively freely, the Sharif Government used its large advertising budget to influence content, journalists practiced self-censorship, the broadcast media remain a closely controlled government monopoly, and the Sharif Government made several attempts to curb press criticism. In particular, the Sharif Government continued its actions against the Jang newspaper group and jailed and harassed prominent journalists such as Friday Times editor Najam Sethi. The Musharraf regime appeared to cease direct attempts to manage the press, which were common under the Sharif Government. The Sharif Government imposed limits on the freedom of assembly. Although it allowed a number of large-scale, antigovernment demonstrations to take place, it also pre

Significant numbers of women were subjected to violence, abuse, rape, trafficking, and other forms of degradation by their spouses and members of society at large. The Government failed to take action in a high profile "honor killing" case and such killings continued throughout the country. There was considerable discrimination against women, and traditional social and legal constraints kept women in a subordinate position in society. Violence against children, as well as child abuse, prostitution, and trafficking remained problems. Female children still lag far behind boys in education, health care, and other social benefits. There was considerable discrimination against religious minorities. Both Governments as well as sectarian groups continued to discriminate against religious minorities, particularly Ahmadis and Christians. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances. The Government and employers continued to restrict worker rights significantly. Bonded labor by both adults and children remained a problem. Debt slavery persisted. The use of child labor remained widespread, although it now generally is 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.

In May heavy fighting broke out between Indian forces and Kashmiri militants in the Kargil sector of Indian-held Kashmir, and continued until July. Regular Pakistani forces were also involved in the conflict. Civilians were killed on both sides of the line of control during the conflict, and tens of thousands of persons were displaced on both sides of the line of control.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Police committed extrajudicial killings. 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. Police officials generally insist that these deaths occur during attempts at escape or at resisting arrest; family members and the press insist that many of these deaths are staged. Police have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings. After an attempt was made on the Prime Minister's life in early January, as many as 40 Sunni extremists associated with the Lashkar-i-Jhangvi, the group believed responsible, may have been killed in police encounters. The Human Rights Commission of Pakistan (HRCP) estimates that there were 161 extrajudicial killings in the first 4 months of the year. In March the Sindh Home Department conceded that at least two incidents since imposition of Governor's Rule resulted in extrajudicial deaths. Press reports note that in Punjab alone 265 individuals were killed in 182 encounters with police between January and June. The Urdu daily newspaper Khabrain reported on December 6 that there were 285 police encounters in Punjab in the first 10 months of the year and that 357 persons lost their lives. In October there were reports of police encounter killings of members of the Sipah-e-Sahaba Pakistan (SSP) and the Lashkar-i-Jhangvi by the police in Punjab, following a wave of sectarian violence in the province (see Section 2.c.). Estimates of SSP and Lashkar-i-Jhangvi members killed by police in this manner range from 16 to 40 persons. 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 given 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. Punjabi police killed Tahir Prince on February 10. Following the filing of a writ by the victim's mother, the Lahore High Court ordered registration of a case against the police officers involved; however, no departmental action has been taken. In general police continued to commit such killings with impunity.

Following the coup in October, a number of police officials were charged or sanctioned for extrajudicial killings. On December 2, the Lahore High Court ordered the registration of cases against the Deputy Inspector General (DIG) of Police Sarghoda Range and six other police officers in the April 5 killing of two Sarghoda residents. The residents reportedly were mistaken for a Lashkar-i-Jhangvi member and killed in a police encounter. On December 7, the Punjab Chief Secretary announced that three senior Lahore-based police officials would be removed following the killing of a suspect in police custody. The suspect was charged in connection with a series of killings of children in Lahore. One police sub-inspector was sentenced to death during the year in the 1997 killing of Iraqi Noel, whom the police officer had taken into custody.

The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups. For example, Punjab police officers killed activists of the extremist sectarian organization Lashkar-i-Jhangvi, which was implicated in an attempt to kill the Prime Minister in January. During the year, three individuals charged with attempting to assassinate the Prime Minister in January were killed in police

custody during an alleged escape attempt. As of August, 21 activists from this organization were killed in police encounters, according to press accounts and the Human Rights Commission of Pakistan.

The Muttahida Quami Movement (MQM), an opposition party that has demonstrated a willingness to use violence to further its objectives, claimed that its adherents were being targeted specifically by the police for extrajudicial killings. 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. The MQM presently is 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. 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 been at odds with successive governments. In March MQM Senator Aftab Sheikh accused the Sindh police, the paramilitary Rangers, and Government intelligence agencies of abducting two MQM members--Farid and Shamim--and killing them in custody; the two reportedly were handcuffed when killed. In July London-based MQM chief Altaf Hussain accused the Karachi police of killing Mohammed Shahid after his arrest. Altaf Hussain also claimed in July that 14 MQM workers were killed extrajudicially since the imposition of Governor's Rule. In a July report, the MQM listed 10 persons, mostly MQM activists, killed in extrajudicial incidents by Karachi police between October 1998 and March. In September MQM activist Rehan Bandhani died in police custody. According to the daily newspaper The News, the police initially argued that Bandhani had died of a heart attack, but a police officer later was charged with unintentional murder. On September 7, two MQM activists were killed in an encounter with police; police officials stated that the two men shot first, but witnesses claim that the two were taken, unarmed, from their homes and shot by police in a nearby field.

In NWFP the family of a notorious criminal known as "Shaitan" accused police of killing him in custody on May 9. The NWFP government has taken no action; however, the government of the NWFP set up a committee of inquiry to look into the death of Pakistan Muslim League youth wing leader Qasim Khan, who died while in custody of the Peshawar police on July 18. In 1998, Awais Akram, Arbab Yousah, and Abbas died while in police custody; in all three cases police officers were charged in connection with the deaths, but no information was available as the disposition of the cases at year's end. Ghulam Jillani, a 14-year-old boy, died while in police custody in Manshera in May 1998. Then NWFP Chief Minister Sardar Mehtab Ahmed Khan dismissed the entire staff of the police station involved. The Abbottabad session judge led a committee of inquiry that investigated the incident; the committee held the Station House Officer and the staff of the police station responsible for Jillani's death. At year's end, the officers involved were appealing the decision.

The Sharif Government also used lethal force against political opponents and underground organizations.

Politically motivated violence and sectarian violence continued to be a problem, although in the weeks following the October 12 coup there were few if any reported cases of such violence. Governor's Rule, imposed to correct a serious law and order problem created in part by political tensions in the province, continued in Sindh until the coup. Despite improved security conditions under Governor's Rule, there were 75 deaths that were presumed to be the result of political violence in Karachi. Terrorist incidents were frequent in the Punjab. On January 3, four persons were killed and several were injured when a bomb placed under a bridge outside of Lahore exploded. The bombing occurred approximately 1 hour before Prime Minister Sharif was to have crossed the bridge, and was believed to be an assassination attempt. Two members of the Lashkar-i-Jhangvi extremist group were arrested in connection with the blast later that month. According to press reports, on May 24, at least 10 persons were reportedly killed by an explosion near a market in Daska, Punjab. There were several other bombings during the year, some of which resulted in deaths. The perpetrators of most such bombings were unknown at year's end. In 1998, there were several bombings in which persons were killed. At year's end, it was not known who carried out these bombings.

Women were killed by family members in so-called "honor killings." On April 6, Samia Imran, who sought a divorce against the wishes of her husband and family, was shot and killed in the Lahore office of lawyer Hina Jilani by a man accompanying her mother. The gunman and the victim's mother fled after the killing. The gunman later was shot and killed by police. Three members of Imran's family--her father, mother, and uncle--were charged in connection with her killing. However, by year's end, the three remained at large (see Section 5.).

There was extensive religious violence, particularly between rival Sunni and Shi'a organizations, with 1 newspaper estimating that 300 persons were killed in sectarian attacks during the last 2 years (see Sections 2.c. and 5).

On January 12, in Peshawar, the wife and son of well-known Afghan moderate Abdul Haq were shot and killed in their sleep by unknown assailants. A guard also was killed in the attack. Haq was well known for his efforts to promote an intra-Afghan dialog; his brother was a former governor in Afghanistan who has joined forces with Ahmad Shah Masood against the Taliban. On March 27, Mohammed Jehanzeb, the secretary of Abdul Haq's brother (and Taliban opponent) Haji Qadir, was shot and killed by unknown assailants in Peshawar. On July 14 former Afghan senator Abdul Ahad Karzai was shot and killed by two gunmen while returning home from prayers at a local mosque in Quetta. Between January 1998 and January 1999, it was estimated that up to 12 Afghan moderates or former members of the Communist Party were killed by unknown assailants (see Section 2.d.). Among those reported killed were Dagarwal Basir, General Nazar Mohammed, Dagarwal Latif, Hashim Paktyanai, General Shirin Agha, and General Rahim. To date, there have been no arrests or convictions in connection with these killings.

In May heavy fighting broke out between Indian forces and Kashmiri militants in the Kargil sector of Indian-held Kashmir. Regular Pakistani forces also were involved in this engagement, which did not end until Pakistani forces withdrew in July. Tension along the line of control was high during this period, and there was shelling in several sectors. On June 10, the Pakistani army returned the bodies of six Indian soldiers, which bore signs of severe torture; however, the International Committee of the Red Cross declined an

invitation to do an autopsy. A senior police official in Pakistan-controlled Kashmir estimated that approximately 40 civilians were killed on the Pakistani side of the line of control.

b. Disappearance

There were no confirmed cases of politically motivated disappearances. Those killed in intra-Mohajir violence in Karachi sometimes are first held briefly by opposing groups (or, as the MQM-Altaf alleges, by security forces) and tortured. However, bodies of these victims, often mutilated, generally are dumped in the street soon after the victims are abducted; however, the incidence of such crimes decreased greatly during year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and the Penal Code expressly forbid torture and other cruel, inhuman, or degrading treatment; however, police regularly torture, beat, and otherwise abuse persons. Police routinely use force to elicit confessions; however, there were fewer such reports during the year than in previous years, particularly in Sindh after the coup, and human rights organizations reported greater cooperation from the police in investigating such cases than in previous years. Human rights observers suggest that because of the widespread use of physical torture by the police, suspects usually confess to crimes regardless of their guilt or innocence; the courts subsequently throw out many such confessions.

Common torture methods include: beating; burning with cigarettes; whipping the soles of the feet; sexual assault; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; forced spreading of the legs with bar fetters; and public humiliation. Some magistrates help cover up the abuse by issuing investigation reports stating that the victims died of natural causes.

Torture by the police of persons in custody occurs throughout the country. Police tortured or mistreated prisoners considered to be opponents or critics of the Sharif Government. On January 4, Senator Aftab Sheikh and other MQM officials visited two MQM members of the provincial assembly at Karachi central prison, including former Labor Minister Shoaib Bukhari. The parliamentarians accused the police of torturing and humiliating them for 10 days after their arrest on November 20, 1998. The prisoners claimed that they had been struck with rifle butts, slapped, stripped naked, and forced to stand continuously for up to 36 hours. Seventy prisoners awaiting or undergoing trial at Karachi prison, all MQM members, charged that they had been arrested illegally and tortured to induce confessions. Family members alleged that they also often had been beaten in raids, and that relatives had been taken as hostage for those whom the police sought.

Opposition leader Hussain Haqqani alleged that he was tortured, beaten, and subjected to psychological abuse during his incarceration by the Intelligence Bureau between May 4 and May 7. Haqqani was arrested on previous dormant corruption charges; he claimed that this was a pretext for his arrest. Records of a medical examination conducted by the High Court after Haqqani's interrogation subsequently were "lost" by authorities. Haqqani was transferred to the Federal Investigative Agency (FIA) on May 7, but remained incarcerated for 21/2 months. During the May 8 arrest of journalist Najam Sethi, Sethi's wife reportedly was tied up by police (see Section 2.a.).

In May Asif Zardari, husband of former Pakistan People's Party (PPP) Prime Minister Benazir Bhutto, was taken from prison to a police interrogation center in Karachi, where he was kept awake for 4 days, beaten, and cut with knives. On May 19, he was taken to a hospital for treatment. Observers doubted police claims that cuts on his neck were the result of a suicide attempt. In August the secretary general of the Inter-Parliamentary Union (IPU) noted in a public statement that the IPU was "alarmed" over the alleged torture of Zardari.

Despite some cases during the year in which police officers were investigated or charged in connection with abuse of detainees, the failure of successive governments effectively to prosecute and to punish abusers is the single greatest obstacle to ending or reducing the incidence of abuse by the police. The authorities sometimes transferred, suspended, or arrested offending officers, but seldom prosecuted or punished them. Investigating officers generally shield their colleagues. Amnesty International (AI) estimates that at least 100 persons die from police torture each year. The failure to prosecute and punish abusers in a timely fashion was one of the chief arguments used by the Government in introducing the 15th Amendment designed to enforce Shari'a law throughout the country in 1998.

The 1997 Anti-Terrorism Act allowed confessions obtained while in police custody to be used to convict defendants in the new "special courts." Human rights organizations and the press criticized this provision of the law, as it commonly is believed that the police regularly torture suspects. Police generally did not attempt to use confessions to secure convictions under this law and the Government agreed to amend the law after the Supreme Court in 1998 invalidated this and other sections of the Anti-Terrorist Act.

Due to greater scrutiny by NGO's and the media, as well as a program of prison inspections in the Punjab, the incidence of torture and abuse may be decreasing in prisons. In Karachi human rights groups are active in particular cases and the Citizens Police Liaison Committee (CPLC) has been effective in bringing cases against police who make false arrests, practice torture, or take bribes. Cooperation between the CPLC and the police human rights complaint cell resulted in the dismissal of 216 policemen and demotion or fines for 1,226 during the 9 months between November 1998 and July 1999.

Corruption is an endemic problem among local police officers. Police and prison officials frequently use the threat of abuse to extort money from prisoners and their families. Police accept money for registration of cases on false charges and may torture innocent citizens. Persons pay police to humiliate their opponents and to avenge their personal grievances.

In the past, successive governments recruited police officers in violation of considerations of merit and the department's regulations. In some instances, recruits had criminal records. In 1997 Punjab province Chief Minister Shahbaz Sharif declared that his own police were "corrupt and inefficient." He appointed new senior officials to improve effectiveness, while resisting pressure to appoint those recommended by influential supporters to police positions. In an attempt to increase police professionalism, a Punjab elite police training academy was established in November 1997 and began training hundreds of constables. It is widely acknowledged that police corruption is most serious at the level of the Station House Officer (SHO), the official who runs each individual precinct. In 1998 300 new SHO's recruited on merit were due to begin a long-delayed 20-month special training course. If they are allowed to replace corrupt SHO's, observers believe that they might

improve police performance greatly. However, SHO's are very powerful (it is suspected that some have killed senior police officers that were trying to inhibit their corruption), and observers question whether their replacement is feasible.

It is accepted commonly, and high-ranking government officials have stated publicly, that police stations are sold--meaning that police officials pay bribes to politicians and senior officials in the department in order to get posted to the police stations of their choice. The police then recoup their investment by extorting money from the citizenry.

Even when actions are taken to address police abuses, the results are often mixed. In urban Sindh, the operation of citizen-police liaison committees helped to curb some police excesses, but there are still many complaints of police abuse.

Special women's police stations were established in 1994 in response to growing numbers of complaints of custodial abuse of women, including rape. These police stations are staffed by female personnel, but receive even less material and human resources than regular police stations, according to human rights advocates. According to the government's own Commission of Inquiry for Women, the stations do not function independently or fulfill their purpose. Despite court orders and regulations requiring that female suspects be interrogated only by female police officers, women continued to be detained overnight at regular police stations and abused by male officers. In a study of Lahore newspapers from January to May 1999, the Human Rights Commission of Pakistan found 11 cases of violence, rape, or torture of women while in police custody. In August 1998, "Nasreen" accused the SHO of Lahore's Mozang police station of raping her after she visited the station to register a complaint against her in-laws. At the end of 1998, the case was under internal investigation by Lahore police; the disposition of the case was unknown at year's end. Instances of abuse of women in prisons are less frequent than in police stations. Sexual abuse of child detainees by police or guards is reportedly a problem as well.

The Hudood Ordinances, promulgated by the central martial law government in 1979, were an attempt to make the Penal Code more Islamic. These ordinances provide for harsh punishments for violations of Shari'a (Islamic law), including death by stoning for unlawful sexual relations and amputation for some other crimes. These severe Koranic penalties--known as Hadd punishments--require a high standard of evidence. In effect, four adult Muslim men of good character must witness an act for a Hadd punishment to apply. In 20 years, not a single Hadd punishment has been carried out. However, on the basis of lesser evidence, ordinary punishments such as jail terms or fines are imposed. From 1979 to 1995, over 1 million Hudood cases were filed with the police, and 300,000 have been heard by the courts. The laws are applied to Muslims and non-Muslims alike.

Women frequently are charged under the Hudood laws on sexual misconduct, such as adultery. Approximately one-third of the women in jails in Lahore, Peshawar, and Mardan in 1998 were awaiting trial for adultery. Most women tried under the ordinance are acquitted, but the stigma of having been jailed for adultery is severe. A Hudood law meant to deter false accusations is enforced weakly, and one human rights monitor has claimed that 80 percent of all adultery-related Hudood cases are filed without any supporting evidence. According to Amnesty International, men accused of rape sometimes are acquitted and released while their victims are held on adultery charges. The Commission of Inquiry for Women has recommended that the Hudood laws be repealed, as they are

based on an erroneous interpretation of Shari'a (see Section 5).

The Federal Crimes Regulation (FCR), which applies in the Federally Administered Tribal Areas (FATA), allows the punishment of relatives, friends, and neighbors of suspects. Authorities are empowered to blockade villages or to detain fellow members of a fugitive's tribe in order to obtain the surrender of a fugitive. In December 1998, a Shariat court established by the Tehrik-i-Tulaba, an extremist Islamic group in Orakzai Tribal Agency, fined six alleged accomplices to a killing and burned down their homes as punishment (see Sections 1.e. and 1.f.).

Police routinely use excessive force against demonstrators or strikers. In February police forcibly dispersed a demonstration in Lahore staged by the Jamaat-i-Islami. Police with batons charged demonstrators and fired tear gas shells into the party's Lahore offices. On September 11, police reportedly used force to break up a demonstration by a coalition of opposition groups in Karachi, and the headquarters of two major opposition parties, the MQM and the PPP, reportedly were damaged. On September 12, police used water cannons, teargas, and sticks to break up a PPP-organized sit-in in Karachi. In mid-October, the press reported that police used force to break up a rally in support of former Prime Minister Nawaz Sharif; more than one dozen protestors reportedly were arrested in Karachi on October 14. On December 11, police used force to disperse a demonstration in Lahore that was held to protest the handling of a serial murder case by the police. Police charged the crowd, beat persons with batons, and arrested 30 persons.

Police at times also beat and arrested journalists. For example, during a December 11 protest against the handling of a criminal case in Lahore, the police beat press photographers and smashed their cameras after photographers reportedly recognized a plainclothes policeman, who was hurling bricks into the crowd.

Police authorities failed in some instances to protect members of religious minorities-- particularly Ahmadis and Christians-- from societal attacks (see Section 5).

On January 3, several persons were injured when a bomb placed under a bridge outside of Lahore exploded, in what was believed to be an assassination attempt against Prime Minister Nawaz Sharif (see Section 1.a.). On September 6, an explosion in a madrassah in Karachi injured more than 20 persons; those injured had rushed to the scene of a previous explosion, in which there were no injuries. On April 17, unidentified men threw small explosives at the home of the Army Corps Commander in Peshawar, injuring five guards. On November 12, a series of rocket attacks in Islamabad injured one person. There were several other bombings during the year, some of which resulted in injuries. The perpetrators of most such bombings were unknown at year's end.

Prison conditions are extremely poor. Overcrowding is a major problem. According to the Human Rights Commission of Pakistan (HRCP), there are currently 82,000 prisoners in Pakistani jails, which have an officially authorized population of 35,833; most prisoners are held in severely overcrowded conditions. In September an investigative reporter for The Nation visited Adiala jail in Rawalpindi. According to the reporter, the prison currently holds 4,277 prisoners but was built for 2,000. A press survey in July revealed that the 16 jails of Sindh province, with a total capacity of 7,769 prisoners, were actually housing over 14,000. Karachi central prison is the most overcrowded, with a population of 4,460 prisoners and a capacity for only 991; only 2 toilets are available for each 100

prisoners in the lowest classification of cells. The HRCP claims that the Lahore district jail, built to house 1,045 prisoners, contains 3,200. The Punjab Home Department admitted before the Lahore High Court in July that over 50,000 prisoners were being held in Punjabi jails meant for 17,271. The department claimed that it had plans on the books to build new jails in 22 district and subdivisional headquarters, but that the work had been delayed by financial constraints. Some 80 percent of prisoners are "awaiting trial," mostly for petty offenses.

Prisoners in jail routinely are shackled. The principal of the institute for jail staff training in Lahore admitted in a July press interview that fettering is the most convenient way of administering an overcrowded jail. While the Pakistan Prison Act of 1894 permits fettering for a variety of offenses, the punishment is usually given for administrative convenience, or to extract bribes from prisoners. (The shackles used are tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases.) Although the Sindh High Court ruled the practice illegal in 1993, the practice continues, and outside observers visiting Sindhi jails regularly see fettered prisoners.

There are three classes (A, B, and C) of prison facilities. Class "C" cells generally hold common criminals and those in pretrial detention. Such cells often have dirt floors, no furnishings, and poor food. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. In 1998, the Senate's Committee on Human Rights reported to the Prime Minister that at one facility in Hyderabad, 60 prisoners were confined in a space 100 feet by 30 feet with only 1 latrine. Such unsanitary conditions are common in small, poorly ventilated, and decrepit colonial-era prisons. Inadequate food, often consisting of only a few pieces of bread, leads to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care is a problem. Mentally ill prisoners usually are not provided with adequate treatment and often are not segregated from the general prison population. Foreign prisoners often remain in prison long after their sentences are completed because there is no one to pay for their deportation to their home country. Conditions in "B" and "A" cells are markedly better than in "C" cells. Prisoners in "A" cells are permitted to have servants, special food, and televisions. The authorities reserve "A" cells for prominent persons. Especially prominent individuals--including some political figures--sometimes are held under house arrest and permitted to receive visitors.

The Government permits prison visits by human rights monitors.

Landlords in rural Sindh and political factions in Karachi operated private jails (see Section 1.d.).

On June 10, during the Kargil conflict, the Pakistani army returned the bodies of six Indian soldiers, which bore signs of severe torture; however, the International Committee of the Red Cross declined an invitation to do an autopsy (see Section 1.a.).

d. Arbitrary Arrest, Detention, or Exile

The law regulates arrest and detention procedures; however, the authorities do not always comply with the law and police arbitrarily arrested and detained citizens. The law permits a Deputy Commissioner (DC) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DC may renew

detention in 30-day increments, up to a total of 90 days. Human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to 6 months without charge. For other criminal offenses, the police may hold a suspect for 24 hours without charge. After the prisoner is produced before a magistrate, the court can grant permission for continued detention for a maximum period of 14 days if the police provide material proof that this is necessary for an investigation.

Police may arrest individuals on the basis of a First Incident Report (FIR) filed by a complainant. The police have been known to file FIR's without supporting evidence. FIR's frequently are used to harass or intimidate individuals. Charges against an individual also may be based on a "blind" FIR, which lists the perpetrators as "person or persons unknown." If the case is not solved, the FIR is placed in the inactive file. When needed, a FIR is reactivated and taken to a magistrate by the police, who then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, the case is dropped for lack of evidence, but then another FIR is activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in continuous custody.

If the police can provide material proof that detention (physical remand or police custody for the purpose of interrogation) is necessary for an investigation, a court may extend detention for a total of 14 days. However, such proof may be little more than unsubstantiated assertions by the police. In practice the authorities do not fully observe the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until a court challenges them. The police sometimes detain individuals arbitrarily without charge or on false charges, in order to extort payment for their release. Human rights monitors report that a number of police stations have secret detention cells in which individuals are kept while the police bargain for a higher price for their release. There are also reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continue to be detained arbitrarily and sexually abused (see Section 1.c.). Police also detain relatives of wanted criminals in order to compel suspects to surrender (see Section 1.f.). Police have been known to detain persons in connection with personal vendettas.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. However, in many cases, trials do not start until 6 months after the filing of charges. In 1998 the Human Rights Commission of Pakistan estimated that there were almost as many individuals awaiting trial in jails as there were prisoners. According to the chief justice of the Lahore High Court, there were over 500,000 civil and criminal cases backlogged in the province's subordinate court system as of April. In 62 Lahore city courts, 7,000 prisoners are awaiting trial in 6,000 cases. In 3,500 of these cases, the police have not even brought a "challan," or indictment, to the court. In 1997 the Government justified the creation of antiterrorist courts by citing the large number of murder and other cases that are clogging the regular court system (see Section 1.e.).

Asif Zardari, husband of former Prime Minister Benazir Bhutto, has waited for over 2 years for his trial on charges of killing his brother-in-law, Murtaza Bhutto, to begin. Charges were first filed against Zardari in July 1997 and transferred successively to two different courts, where several judges refused to preside. To date only 2 of 223 witnesses have been heard.

The Government permits visits by human rights monitors, family members, and lawyers. However, in some cases, authorities refuse family visits and in some police stations, persons are expected to pay bribes in order to visit a prisoner. The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade the fugitive's village, pending his surrender or punishment by his own tribe in accordance with local tradition. The Government continued to exercise such authority, repeatedly, during the year. Roman Ali, arrested in 1993 at the age of 12 for his fugitive elder brother's crimes, was sentenced to a long prison term in 1994. In 1996, a petition against this sentence in the Peshawar High Court was dismissed. During the year, Ali's appeal to the Secretary of the Home Department was denied, and his appeal to the Supreme Court was not heard due to the Court's lack of jurisdiction over the case.

The Government sometimes uses mass arrests to quell possible civil unrest. In April approximately 600 PPP members were arrested prior to a planned May 1 demonstration in Islamabad against former prime minister Benazir Bhutto's April conviction on corruption charges and disqualification from holding public office. Most were released on May 2. Early on July 28, police tore down antigovernment posters and arrested MQM legislators and activists to halt a peaceful hunger strike being conducted in front of the Karachi Press Club. Most of those arrested were released quickly, and the protest was resumed a few hours later. In August and September, police arrested as many as 2,500 activists from the PPP and the Muttahida Quami Movement in Karachi and other parts of Sindh province in anticipation of a September 4 opposition rally. Several hundred more, including several senior opposition leaders and parliamentarians, were arrested several days later prior to an opposition demonstration in Karachi. On September 11, police reportedly used force to end a demonstration by a coalition of opposition groups in Karachi; police publicly reported arresting 107 persons in connection with the demonstration, but other reliable estimates place the number arrested at 600 or more. Police detained hundreds of MQM and PPP activists and senior leaders prior to a banned opposition march planned for September 25, as well as in the days immediately after it was to have occurred. Among those detained was MQM Senator Nasreen Jalil, who was arrested at her home on September 24 and held incommunicado for several days (see Section 2.b.) until her release on September 29. Also in September, the Government placed Fazlur Rehman, the leader of one faction of the religious party Jamiat Ulema-i-Islami, under house arrest to prevent him from traveling to the NWFP tribal areas to attend a political rally. Rehman previously had traveled frequently to the region to attend rallies, which are prohibited in the tribal areas. Rehman was released after 3 days (see Sections 2.a., 2.b., and 2.d.). In early October, hundreds of religious extremists, including the leader of the Sipah-e-Sahaba Pakistan, Maulana Muhammad Azam Tariq, and SSP branch president Maulana Mohammad Ahmad Ludhianvi, were arrested after a wave of sectarian violence broke out in Punjab and Sindh. However, since the coup, there have been reports that arrests of political activists have decreased.

The Sharif Government's "accountability cell," which ostensibly was created to uncover corruption in an evenhanded manner, was headed by a close associate of the Prime Minister, Senator Saifur Rehman, and conducted politically driven investigations of, and campaigns of vilification against, opposition politicians, senior civil servants, and business figures. These investigations were designed to extract evidence and in some cases, the televised confessions of alleged wrongdoers. Rehman may have arranged for

the arrest of Hussain Haqqani and Najam Sethi (see Section 2.a.). However, before the coup, most politicians and bureaucrats who had been charged with corruption or other crimes were out on bail. In 1998, authorities arrested and questioned the wife and daughter of former Pakistan Steel executive Usman Farooqi in an attempt to pressure the already-imprisoned Farooqi. At year's end, Farooqi remained in detention. In 1998 in an effort to compel a former bureaucrat to return to Pakistan, the Government prevented the departure of family members, even those who were not citizens of Pakistan, on the grounds that they were "beneficiaries" of alleged corruption. In July 1998, the Lahore High Court ruled that this approach was invalid.

In several high-profile arrests of Sharif Government critics, the police or intelligence services entered homes and arrested individuals without warrants or due process and held them for periods of days or weeks. On May 4, Intelligence Bureau officials arrested opposition leader and journalist Hussain Haqqani without a warrant and held him incommunicado until May 7 without filing charges (see Section 1.c.). On May 8, approximately 30 policemen broke into Friday Times editor Najam Sethi's home, beat him, tied up his wife, destroyed property, and took Sethi away without warrant. According to press reports, Sethi was interrogated by the intelligence services as a suspected "espionage agent." Sethi was held incommunicado for several days and denied access to an attorney (see Section 2.a.).

On occasion, persons are detained arbitrarily because of disputes with powerful or well-connected persons. On January 28, Humaira Mahmood and her husband Mahmood Butt were detained without a warrant by Punjab police at the Karachi airport (in Sindh province), as they were trying to leave the country. Mahmood Butt's mother was also detained. In 1997 the couple had married against the wishes of Humaira's father, Abbas Khokar, a member of the Punjab Provincial Assembly (see Section 5). Mahmood and her husband reportedly were taken separately to Lahore, where they were detained separately and were beaten in an attempt to force them to renounce their marriage. On February 1, the pair appeared in court in Lahore. After the hearing, Mahmood Butt and his mother were released by court order; Humaira was released by court order on February 18.

The Musharraf Government detained without a warrant and without charge several dozen political figures, military officers, government administrators, and Sharif family members following the October 12 coup. Nawaz Sharif and members of his family, including Punjab chief minister Shahbaz Sharif; most of the Cabinet; several senior advisors to the Prime Minister or to the Government; and a number of military and police officials were arrested or placed under house arrest immediately following the coup. Nawaz Sharif was held incommunicado from the time of his arrest until he was brought to court on November 18. Most others were released within a few days; however, at year's end, 32 were estimated to remain in custody. Many of those arrested immediately after the coup were held incommunicado. Former Prime Minister Nawaz Sharif and his brother, former Punjab chief minister Shahbaz Sharif, were held incommunicado in Chaklala, Rawalpindi; many other Sharif family members were held with limited outside contact in "protective custody" in the Sharif estate outside of Lahore following the coup. The oldest son of Nawaz Sharif, Hussain Sharif, reportedly was held incommunicado, except for one occasion on which he was allowed access to counsel, in solitary confinement from October 12 until a court-ordered visit with his wife on December 11. Other Sharif family members still in detention at year's end included Nawaz Sharif's father Mian Mohammad Sharif; his brother Abbas Sharif; his son-in-law Captain Safdar; his nephew Hamza

Shahbaz (son of Shahbaz Sharif), and his brother-in-law Chaudhry Sher Ali. Former Information Minister Mushahid Hussain was kept in "protective custody," along with his family, at his residence in Islamabad from October 12 until December 14, when he was removed by military officers from his home and taken to a government guest house in Islamabad. He then was held incommunicado by the military until December 24, when he was allowed to meet with his family under a court order.

Several key figures among those initially arrested without charge, including Nawaz Sharif, were being held in connection with the "hijacking" of General Musharraf's airplane on October 12. On that day, General Musharraf was returning from a conference in Sri Lanka, and the commercial aircraft in which he was flying initially was denied permission to land in Karachi, purportedly under orders from Prime Minister Sharif. This event, along with Sharif's summary replacement of General Musharraf with the Director General of the Inter-Services Intelligence Directorate, Khawaja Ziauddin, led to the coup. Military officers took over the airport in Karachi and allowed Musharraf's airplane to land. In the weeks following Sharif's arrest, he was detained without charge and was denied access to counsel and to family members (See Sections 1.d. and 1.e.). A First Incident Report was not filed in the case until November 10. The FIR charged Sharif with attempted murder, hijacking, and criminal conspiracy. Former Sharif advisor Ghous Ali Shah, former Pakistan International Airlines (PIA) chairman Shahid Khaqan Abbasi, former Director of Civil Aviation Aminullah Chaudhary, and former Inspector General of Police Rana Maqbool were charged along with Sharif. The accused were to be tried before an antiterrorism court. Nawaz Sharif was formally arrested and remanded to police custody only after being brought to Karachi on November 18. On November 19, Sharif first appeared in an antiterrorism court in Karachi. On November 26, three other individuals--former Punjab chief minister Shahbaz Sharif, former Senator Saifur Rehman, and former secretary to the Prime Minister Saeed Mehdi--were named codefendants in the case. Sharif complained of "inhumane" treatment during his incarceration, including being held incommunicado in a cramped cell. On November 29, the judge in the case ordered him transferred to an "A" class cell. Following changes in the Antiterrorism Act (see Section 1.e.), the formal filing of charges (challan) against Nawaz Sharif occurred on December 8. Nawaz Sharif and his brother Shahbaz Sharif were paroled briefly on December 15 and flown by the authorities to Lahore, the day after the death of Nawaz Sharif's mother-in-law.

Although many of those detained immediately following the coup were released in the days afterwards or subsequently were charged through the court system, several individuals remained in custody without charge. As of year's end, former ministers Muhammed Ishaq Dar, Sayed Mushahid Hussain, and Chaudry Nisar Ali Khan; former Director General of the Inter-Services Intelligence Bureau Khawaja Ziauddin; Mujibur Rehman, brother of Saifur Rehman; former Director General of the Federal Investigative Agency Mohammed Mushtaq; and several other officials and members of Parliament or provincial assemblies apparently still were detained without charge.

Private jails are believed to exist in tribal and feudal areas. Human rights groups allege that as many as 50 private jails, housing some 4,500 bonded laborers, were being maintained by landlords in lower Sindh. Some prisoners reportedly have been held for many years. In the five districts of upper Sindh, landlords have been defying the courts and police by holding tribal jirgas, which settle feuds and award fines as well as the death penalty--even in jails--in defiance of provincial laws. The Human Rights Commission of

Pakistan and the district administration in Umerkot, Sindh, attempted in April to the release of a family of agricultural workers from their landlord's private jail in Kunri. A member of the family, Mangal Bheel, escaped from the prison in January, and approached authorities for help.

The Government does not use forced exile.

e. Denial of Fair Public Trial

Until the October coup, the Constitution provided for an independent judiciary; however, in practice, the judiciary was subject to political influence under the Sharif Government. A series of events in 1997 led to serious concerns about the prestige and independence of the judiciary under the Sharif Government. However, under Sharif the Supreme Court demonstrated a continued degree of independence on a number of occasions. For example, the Supreme Court ruled in February that the military courts used to try certain civilian cases were unconstitutional. After the coup, the Musharraf regime pledged to respect the independence of the judicial system, despite having suspended the Constitution; however, Provisional Constitution Order Number 1, issued on October 14, provided that all courts functioning at the time of the change in government would continue to operate, but that no court would have the power to issue orders against General Musharraf or any person exercising powers or jurisdiction under his authority, thereby effectively removing the actions of the Musharraf regime from judicial oversight. However, by year's end the Musharraf regime had not acted to limit the judiciary. On November 15, PML legislator Zafar Ali Shah filed a petition with the Supreme Court challenging the October 12 coup. At year's end, the Supreme Court was scheduled to hear arguments about the legality of the military takeover on January 31, 2000. Under both Governments low salaries, inadequate resources, heavy workloads, and corruption contribute to judicial inefficiency, particularly in the lower courts.

The judicial system involves several different court systems with overlapping and sometimes competing jurisdictions. There are civil and criminal systems with special courts for banking, antinarcotics and antiterrorist cases, as well as the federal Shariat Court for certain Hudood offenses. The Hudood ordinances criminalize nonmarital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. The appeals process in the civil system is: civil court; district court; High Court; and the Supreme Court. In the criminal system, the progression is magistrate, sessions court, High Court, and the Supreme Court.

The judiciary has argued that it has not been able to try and convict terrorist suspects in a timely manner because of poor police casework, prosecutorial negligence, and the resulting lack of evidence. In response to this problem, the Sharif Government passed the Anti-Terrorist Act in 1997; special antiterrorist courts began operation in August 1997. The antiterrorist courts, designed for the speedy punishment of terrorist suspects, have special streamlined procedures but due to continued terrorist intimidation of witnesses, police, and judges, produced only a handful of convictions of terrorist suspects in 1998. Under the Anti-Terrorist Act, terrorist killings are punishable by death and any act, including speech, intended to stir up religious hatred is punishable by up to 7 years' rigorous imprisonment. Cases are to be decided within 7 working days, but judges are free to extend the period of time as conditions require. Trials in absentia were permitted, then subsequently prohibited in October 1998. Appeals to an appellate tribunal also were

required to take no more than 7 days, but appellate authority since has been restored to the High and Supreme Courts, under which these time limits do not apply. Under the Antiterrorist Act, bail is not to be granted if the court has reasonable grounds to believe that the accused is guilty. Because of the law's bail provisions, Islamic scholar Yusuf Ali was unable to obtain bail. After the suspension of this provision, judges continued to avoid hearing his bail application. He was held in a "C" class cell from March 1997 until his release in June.

Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the antiterrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. Government officials and police believed that the deterrent effect of the act's death penalty provisions contributed significantly to a reduction in sectarian terror after its passage. The antiterrorist courts also are empowered to try persons accused of particularly "heinous" crimes, such as gang rape and child killings, and several convicts have been executed under these provisions. In 1997 cases filed under section 295(a) of the Penal Code (one of the so-called blasphemy laws) were transferred to the antiterrorist courts. Human rights advocates feared that if blasphemy cases were tried in the antiterrorist courts, alleged blasphemers, who in the past normally were granted bail or released for lack of evidence were likely to be convicted, given the less stringent rules of evidence required under the Anti-Terrorism Act.

In November 1998, Prime Minister Nawaz Sharif announced the establishment of military courts in Karachi, which had been under Governor's Rule since October 1998. These courts were to try cases involving heinous acts and terrorism, which the Government stated were a serious challenge to public authority that the existing court system was inadequate to address. They were intended to bring swifter justice to the city, which had been plagued by terrorism, violence, and a general breakdown in law and order. Military courts began operating in December 1998. In January the Supreme Court ruled in an interim decision that military trial courts could not impose the death penalty. On February 17, the Supreme Court ruled that the military courts were unconstitutional and ordered the establishment of additional antiterrorist courts; however, it allowed the sentences already handed down by the military courts to stand. The antiterrorist courts were to operate under the supervision of two Supreme Court justices, and both courts of first instance and appellate courts were to render decisions within 7 days; in practice, this did not occur. In response, on April 27, the Sharif Government promulgated an ordinance transferring cases from military trial courts to antiterrorist courts and expanded the jurisdiction to cover the same types of offenses as the military courts, including murder, gang rape, and child molestation. Various "civil commotion" offenses (including writing graffiti and putting up wall posters) also were added to the jurisdiction of the antiterrorist courts. In August the Sharif Government again promulgated the April antiterrorism ordinance but dropped the injunctions against graffiti and wall posters. The April ordinance made strikes and go-slows illegal as "civil commotion" offenses; both were punishable by incarceration and fine (see Section 2.b. and Section 6). Prior to August, some opposition leaders and members of the human rights community feared that the "civil commotion" offenses would be used to suppress political dissent. In the first 7 months of the year, the military trial courts, which operated until mid-February, sentenced two persons to death in Sindh, and antiterrorism courts subsequently sentenced 42 persons to death in the same province. Two of the sentences have been carried out and the rest are on appeal. On December 2, the Musharraf Government again modified the ATA provisions, by adding a number of

additional offenses to the ATA, including acts to outrage religious feelings; efforts to "wage war against the state"; conspiracy; acts committed in abetting an offense; and kidnaping or abduction to confine a person. By ordinance the Musharraf regime created a special antiterrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as is usually the case. The amended provision permits the High Court justice to "transfer...any case pending before any other special court...and try the case" in his court. Supporters of Nawaz Sharif maintained that these changes were designed to assist the Musharraf regime with its prosecution of Sharif.

The Musharraf regime also established special courts to deal with "accountability," or corruption, cases. On November 16, the Musharraf regime created by ordinance a National Accountability Bureau (NAB) and special accountability courts to try corruption cases. The NAB was given broad powers to prosecute such cases, and the accountability courts were expected to try cases within 30 days. The ordinance allows those suspected of defaulting on government loans or of corrupt practices to be detained for 90 days without charge and, prior to being charged, does not allow access to counsel. The NAB was created in part to deal with as much as \$4 billion (approximately PRs 208 billion) that it is estimated is owed to the country's banks (all of which are state-owned) by debtors, mainly from among the wealthy elite. It was believed that many wealthy and politically well connected persons had taken out bank loans over the years with no intention of repaying them. The NAB has stated that it would not target genuine business failures or small defaulters and does not appear to have done so. In accountability cases, there is a presumption of guilt, and conviction under the ordinance can result in 14 years' imprisonment; fines; and confiscation of property. Those convicted also are disqualified from running for office or holding office for 21 years. According to unconfirmed press reports, the Musharraf regime made an informal decision that the military and the judiciary would not fall under the jurisdiction of the NAB. The Musharraf regime denied this. However, by year's end, no serving members of the military or the judiciary have been charged by the NAB. On November 17, the day after General Musharraf's well-publicized 4-week grace period to repay loans expired, the military began arresting those suspected of defaulting on bank loans. Persons were arrested throughout the country on default or corruption charges; by year's end, it was estimated that at least 100 persons may have been arrested on charges of defaulting on bank loans or corruption. Those arrested were prominent persons, from across the business and political spectrums; some were also retired military personnel and government bureaucrats. Those included on a published list of persons charged with corruption by the NAB included deposed Prime Minister Nawaz Sharif and former Prime Minister Benazir Bhutto. On December 27, former Punjab chief minister Arif Nakai was disqualified from holding office for 21 years, after he admitted on December 18 that he took approximately \$37,000 (PRs 1.9 million) from official accounts to finance his family's travel to Saudi Arabia. Nakai repaid the amount to the NAB. Some persons expressed concern over the concentration of power in the NAB, the fact that the NAB chairman is a member of the military, and the presumption of guilt imposed on those tried for corruption.

The civil judicial system provides for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. Attorneys are appointed for indigents only in capital cases. There are no jury trials. Due to the limited number of judges, the heavy backlog of cases, and lengthy court procedures, cases routinely take years, although defendants are required to make frequent court appearances. Under both the Hudood and standard criminal codes, there are bailable and nonbailable offenses.

According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail. The Code also stipulates that those accused in nonbailable offenses should be granted bail if the crime of which they are accused carries a sentence of less than 10 years. Many accused, especially well-connected individuals who are made aware of impending warrants against them, are also able to obtain pre-arrest bail, and thus they are spared both arrest and incarceration.

The federal Shariat Court and the Shari'a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances. The federal Shariat Court also may overturn any legislation judged to be inconsistent with the tenets of Islam. However, these cases may be appealed to the Shari'a bench of the Supreme Court. In two areas of NWFP--Malakand and Kohistan--Shari'a law was instituted beginning in January, in the first by regulation and the second by an ordinance. On September 20, a bill was passed by the NWFP Assembly that incorporated the Kohistan ordinance into law; Shari'a law now applies in Kohistan (see Section 2.c.).

The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Heavy backlogs that severely delayed the application of justice remained, due to scores of unfilled judgeships and to archaic and inefficient court procedures. The politicized appointment process also holds up the promotion of many lower court judges to the High Courts. Although the higher level judiciary is considered competent and generally honest, there are widespread reports of corruption among lower level magistrates and minor court functionaries.

On June 11, 16-year-old Mohammad Saleem was convicted by an antiterrorist court of killing three police officers; however, Saleem was tried and acquitted of the same charges by a court in January on the grounds of insufficient evidence and lack of a motive.

On August 21, two MQM members, Mohammed Saleem and Ahmed Saeed, were convicted in an antiterrorist court of the 1997 killings of two foreign employees of Union Texas Petroleum and their driver. The two were sentenced to death, as well as to and approximately \$40,000 (PRs 2 million) in fines. Many questioned the fairness of the trial, since the convictions were based largely on the confessions of the accused; the confessions later were retracted on the grounds that they were obtained by the police through the use of torture.

Persons in jail awaiting trial sometimes are held for periods longer than the sentence they would receive if convicted. Court officials report that each judge reviews between 70 and 80 cases per day, but that action is taken on only 3 or 4 each week. Eighty thousand criminal cases were reported pending in Sindh at the end of 1997, 67,800 of which were in Karachi. The Law Ministry, in reply to a question in the National Assembly in 1997, reported that there were over 150,000 cases pending with the superior judiciary, which includes the Supreme Court and the four provincial High Courts. During the year, there were approximately 125,000 cases pending. Clogged lower courts exacerbate the situation; the majority of cases in the High Courts consist of appeals of lower court rulings. Once an appeal reaches the High Court, there are further opportunities for delay because decisions of individual judges frequently are referred to panels composed of two or three judges. There continued to be charges that magistrates and police, under pressure to achieve high conviction rates, persuade detainees to plead guilty without informing them of the consequences. Politically powerful persons also attempt to influence

magistrates' decisions and have used various forms of pressure on magistrates, including the threat to transfer them to other assignments.

Press reports in July noted that hundreds of prisoners remained in the Karachi central prison after the completion of their sentences. The Sindh Home Department stated that at least 10 percent of under-trial prisoners in Karachi central prison had no access to free legal aid or the possibility of bail, even if qualified. Reporters interviewing male prisoners in 1 block discovered that 18 out of 110 prisoners, or 16 percent, were not represented by attorneys. As of March, 6,000 cases were awaiting trial in 62 Lahore courts, with 7,000 prisoners awaiting a court date. In 3,500 of these cases, the police have not yet submitted a "challan," or indictment.

The Penal Code incorporates the doctrine of Qisas (roughly, an eye for an eye) and Diyat (blood money). Qisas is not known to have been invoked; however, the Penal Code's provision for Diyat occasionally is applied, particularly in the NWFP, with the result that compensation is sometimes paid to the family of a victim in place of punishment of the wrongdoer. Under these ordinances only the family of the victim, not the State, may pardon the defendant. The Hudood, Qisas, and Diyat ordinances apply to both ordinary criminal courts and Shariat courts. According to Christian activists, if a Muslim kills a non-Muslim, he can compensate for the crime by paying the victim's family Diyat; however, a non-Muslim does not have the option of paying Diyat and must serve a jail sentence or face the death penalty for his crime. Failure to pay Diyat in non-capital cases can result in indefinitely extended incarceration, under Section 331 of the Diyat ordinance. In 1998 the Human Rights Commission of Pakistan noted that there were 58 individuals still in prison after the completion of their jail terms because they could not pay the Diyat. The HRCPC made public the case of one such convict, Nosheran Khan, in the NWFP. Khan has been in prison since 1996 and cannot be released until he pays his Diyat fine of approximately \$3,843 (PRs 20,000).

Appeals of certain Hudood convictions involving penalties in excess of 2 years' imprisonment are referred exclusively to the Shariat courts and are heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and be familiar with Islamic law. Within these limits, defendants in a Shariat court are entitled to the lawyer of their choice. There is a system of bail.

The Hudood ordinances criminalize nonmarital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. Offenses are distinguished according to punishment, with some offenses liable to Hadd, or Koranic punishment (see Section 1.c.), and others to Tazir, or secular punishment. Although both types of cases are tried in ordinary criminal courts, special, more stringent rules of evidence apply in Hadd cases; Hadd punishments are mandatory if there is enough evidence to support them. Hadd punishments regarding sexual offences are most severe for married Muslims; for example, if a married Muslim man confesses to a rape or there are four adult male Muslim witnesses to the act, the accused rapist must be stoned to death; if the accused rapist is not Muslim and/or married, if he confesses, or if the act is witnessed by 4 adult males (not all Muslim), the accused must be sentenced to 100 lashes with a whip, and such other punishment, including death, as the Court may deem fit in the case. The testimony of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments. If the evidence falls short of Hadd requirements, then the

accused may be sentenced to a lesser class of penalties (Tazir); since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at the Tazir level of evidence and sentencing (under which a rapist may be sentenced to up to 25 years in prison and 30 lashes). No Hadd punishment has ever been applied in the 20 years that the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders. Under Tazir the evidentiary requirement for financial or future obligations is for two male witnesses or one male and two female witnesses; in all other matters, the court may accept the testimony of one man or one woman (see Section 5).

Administration of justice in the FATA is normally the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom. In such proceedings the accused have no right to legal representation, bail, or appeal. The usual penalties consist of fines, even for murder. However, the Government's political agents, who are federal civil servants assigned to tribal agencies, oversee such proceedings and may impose prison terms of up to 14 years. Paramilitary forces under the direction of the political agents frequently perform punitive actions during enforcement operations. For example in raids on criminal activities, the authorities have been known to damage surrounding homes as extrajudicial punishment of residents for having tolerated nearby criminal activity (see Sections 1.c. and 1.f.).

In remote areas outside the jurisdiction of federal political agents, tribal councils occasionally levy harsher, unsanctioned punishments, including flogging or death by shooting or stoning. For example, in May a local "jirga," or council, sentenced a man to death in Mohmand agency for the killing of relatives. The council also expelled the man's brother from the area. In December 1998, a Shariat court established by the Tehrik-i-Tulaba, an extremist Islamic group in Orakzai Tribal Agency, fined six alleged accomplices to a killing and burned down their homes as punishment.

Another related form of rough justice operating in the NWFP, particularly in the tribal areas, is the concept of Pakhtunwali, or the Pakhtun Tribal Code, in which revenge is an important element. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs--either real or perceived--in order to redeem their honor. More often than not, these disputes arise over women and land, and frequently result in violence, such as the Samia Imran case (see Section 5), in which a woman seeking a divorce against the wishes of her husband and family was shot and killed in April in the office of lawyer Hina Jilani, apparently at the behest of her family.

There are limited numbers of political prisoners. Certain sections of the Penal Code directly target members of the Ahmadi faith. Since they were adopted, Ahmadis incarcerated under these provisions number approximately 200, according to Ahmadi sources. A number of minority religious groups argue that other sections of the Penal Code--particularly the related blasphemy laws--are used in a discriminatory fashion by local officials or private individuals to punish religious minorities. While precise numbers are unavailable, the Ahmadis estimate that 61 of their coreligionists were charged in criminal cases "on a religious basis" as of August (see Section 2.c. and Section 5).

Some political groups also argue that they are marked for arrest based on their political affiliation. The Muttahida Quami Movement, in particular, has argued that the Sharif Government has used antiterrorist court convictions in Sindh to silence its activists. f.

Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government infringes on citizen's privacy rights. The Anti-Terrorist Act allowed police, or military personnel acting as police, to enter and to search homes and offices without search warrants, and to confiscate property or arms likely to be used in a terrorist act (which is defined very broadly). This provision was never tested in the courts. While the Antiterrorist Act was partially suspended in 1998, the Government promulgated new Antiterrorism Ordinances in October 1998 and in April. By prior law, the police had to obtain a warrant to search a house, but they did not need a warrant to search a person. Regardless of the law, the police entered homes without a warrant and have been known to steal valuables during searches. In the absence of a warrant, a policeman is subject to charges of criminal trespass. However, policemen seldom are punished for illegal entry. In late September, the family members of persons sought by the police in connection with a banned opposition march reported forcible, warrantless searches of their homes (see Section 2.b.).

The Government maintains several domestic intelligence services that monitor politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Credible reports indicate that the authorities routinely use wiretaps and intercept and open mail. In his order dismissing former Prime Minister Bhutto in 1996, President Leghari accused the Government of massive illegal wiretapping, including eavesdropping on the telephone conversations of judges, political party leaders, and military and civilian officials. In 1997 the Supreme Court directed the federal Government to seek the Court's permission before carrying out any future wiretapping or eavesdropping operations. Nonetheless, that same year, a lawyer for a former director of the Intelligence Bureau, charged with illegal wiretapping during Benazir Bhutto's second term in office, presented the Supreme Court with a list of 12 government agencies that still tapped and monitored telephone calls of citizens. The case is pending in the Supreme Court. A press story in October 1998 quoted anonymous cabinet ministers who complained of wiretapping of their telephones by the Intelligence Bureau.

Police sometimes arrest and detain relatives of wanted criminals in an attempt to compel suspects to surrender. In some cases, the authorities have detained entire families in order to force a relative who was the subject of an arrest warrant to surrender (see Section 1.d.). In September two adult children of opposition party leaders were arrested in Karachi when police could not locate their parents in a sweep conducted by police prior to a planned opposition march (see Section 2.b.).

While the Government generally does not interfere with the right to marry, the Government on occasion assists influential families in efforts to prevent marriages entered into without the consent of the families involved. For example, between December 1998 and February, Punjabi police attempted to stop Humaira Mahmood and her husband Mahmood Butt from living together as man and wife. The couple were married legally in 1997, but Humaira's father, Abbas Khokar, a member of the Punjab provincial assembly, did not approve of the marriage and enlisted the police to help him prevent the pair from living together once he discovered the marriage had taken place (see Section 5). In July police in Kot Ghulam Mohammed (Mirpurkas district, Sindh) raided the home of Javed Dal and arrested his family members as hostages. Dal had eloped with his cousin. His wife's father, Somar Dal, used his influence as a member of the Sindh National Front executive committee to instigate the arrests, which were carried out without warrants (see

Section 5). The authorities also fail to prosecute vigorously cases in which families punish members (generally women) for marrying or seeking a divorce against the wishes of other family members, such as in the case of Samia Imran, who had sought a divorce against the wishes of her influential father and was killed in April, apparently at the behest of the family (see Section 5).

Press reports routinely describe couples who are less fortunate, such as Abdul Ghaffar and Shabana Bibi of Gila Deedar Singh, who were abducted from a Gujranwala court on May 15 by 16 armed men representing Shabana Bibi's parents, who opposed the match. At year's end, the couple's fate was not known.

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (see Sections 2.c.).

The Frontier Crimes Regulation, the separate legal system in the FATA, permits collective responsibility, and empowers the authorities to detain innocent members of the suspect's tribe, or blockade an entire village (see Section 1.d.). The Government demolished the houses of several alleged criminals, as well as the homes of those who allegedly tolerated nearby criminal activity.

On December 13, a Shariat court established by the Tehrik-i-Tulaba, an extremist Islamic group in Orakzai Tribal Agency, fined six alleged accomplices to a killing and burned down their homes as punishment (see Sections 1.c. and 1.e.). On December 29, riots occurred in Karachi in response to the demolition by security forces of up to 300 homes in the low income Gharibabad neighborhood, which is widely considered to be an MQM-Altaf stronghold. Authorities claimed that the homes were built without permits and that they sheltered terrorists and criminals.

In March three young girls who had converted to Islam from Christianity were removed from their parent's custody by a court (see Section 2.c.). The girls' parents attributed the loss of their girls to the influence of religious extremists who packed the courtroom, and claim to have suffered harassment because of the case. However, the importance of the parent's religion in the judge's decision was not clear. The girls' family since has moved, and reportedly is in hiding.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and citizens are broadly free to discuss public issues; however, journalists practice a degree of self-censorship, and the situation with respect to freedom of speech and of the press deteriorated during the first 10 months of the year, as the Sharif Government attempted to silence several critics, and to influence directly the substance of media reporting. At year's end, the Musharraf regime had not attempted to exercise direct control over views expressed in the print media. Nonetheless, views expressed in editorials and commentary are often frank and pointed in their criticism of the Government. True investigative journalism is rare; instead the press acts freely to publish charges and countercharges by named and unnamed parties

and individuals representing competing class, political, and social interests.

Anyone who damages the Constitution by any act, including the publication of statements against the spirit of the Constitution, can be prosecuted for treason. However, prosecutions under this provision have been rare. The Constitution also prohibits the ridicule of Islam, the armed forces, or the judiciary. This provision served as grounds for the 1997 charges against the presidential candidacy of Rafiq Tarar, based on press statements made several years previously that were critical of the judiciary. The charges against Tarar later were dismissed.

The Penal Code mandates the death sentence for anyone defiling the name of the Prophet Mohammed, life imprisonment for desecrating the Koran, and up to 10 years in prison for insulting another's religious beliefs (i.e., any religion, not just Islam) with intent to outrage religious feelings (see Section 2.c.). The Antiterrorist Act stipulates imprisonment with rigorous labor for up to 7 years for using abusive or insulting words, or possessing or distributing written or recorded material, with intent to stir up sectarian hatred. No warrant is required to seize such material (while the Antiterrorist Act was partially suspended in 1998, the Government promulgated new Antiterrorism Ordinances in October 1998 and in April). In November two journalists, Zahoor Ansari and Ayub Khoso, were sentenced to 17 years in prison and a fine by an antiterrorist court; they were sentenced to 10 years under Section 295(a) and 7 years under the Antiterrorist Act. The journalists, who worked for the Sindhi daily newspaper Alakh, were charged with publishing derogatory words against the Prophet and insulting the religious feelings of Muslims, according to press reports (see Section 2.c.).

The competitive nature of politics helps to ensure press freedom, since the media often serves as a forum for political parties, commercial, religious, and various other interests, as well as influential individuals, to compete with and criticize each other publicly. Although the press does not criticize Islam as such, leaders of religious parties and movements are not exempt from the public scrutiny and criticism routinely experienced by their secular counterparts. The press traditionally has avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) has served to hold press coverage of military matters under close restraint. Officially, the ISPR closely controls and coordinates the release of military news and access to military sources.

Detailed public discussion of the military as an institution is hampered severely since any published discussion, let alone criticism, of the defense budget is proscribed by law. However, in 1997 this code of silence was undermined when a National Assembly committee, by discussion of defense appropriations and corruption in defense contracts in open session, made possible (and legal) newspaper coverage of the same issues. Discussion of the defense budget continued during the year, especially in the English language press. The resignation of Chief of Army Staff General Jehangir Karamat in October 1998 also was widely discussed in the press.

Government leaks, while not uncommon, are managed carefully: It is common knowledge that journalists, who routinely are underpaid, are on the unofficial payrolls of many competing interests, and the military (or elements within it) is presumed to be no exception. Favorable press coverage in 1998 of the Prime Minister's family compound/hospital/college south of Lahore was widely understood to have been obtained for a price. Rumors of intimidation, heavy-handed surveillance, and even legal action to

quiet the unduly curious or nondeferential reporter are common. The Government has considerable leverage over the press through its substantial budget for advertising and public interest campaigns and its control over the supply of newsprint and its ability to enforce regulations. Human rights groups, journalists, and opposition figures accused the Government of attempting to silence journalists and public figures, especially when critical of the Prime Minister or his family. A number of high profile cases of arrest and intimidation of government critics during the year support these claims. The owners of the Jang newspaper group, which publishes widely read Urdu and English language dailies, and had published articles unflattering to the Sharif Government, state that the Sharif Government made a number of demands on the group in 1998. These demands included that Jang fire 16 senior journalists who were critical of the Sharif Government and replace them with journalists of the Sharif Government's choosing; that Jang publications refrain from publishing negative articles about the Sharif family; that Jang publications support the adoption of the 15th Amendment; and that Jang publications adopt a progovernment editorial slant. There is credible evidence that Senator Saifur Rehman, a close associate of the Prime Minister and head of the Accountability Bureau, demanded that they be fired. The Sharif Government froze Jang group bank accounts, ceased placing government advertising in Jang newspapers, filed approximately \$13 million (PRs 676 million) in income tax notices with the group, sealed Jang warehouses, severely limited Jang's access to newsprint, and raided the group's offices in December 1998. The Sharif Government filed sedition charges against Jang publisher Mir Shakil Ur Rehman. Police again raided Jang premises on January 31, reportedly confiscating newsprint. In February the Sharif Government suspended its sedition case against Rehman and ceased direct interference with publication of Jang group newspapers. However, by August, Jang had modified its editorial content, stopped allowing one prominent journalist to use her own byline, and hired pro-Government journalists. At year's end, the tax charges remain outstanding.

In May a crackdown on the press began. Prominent journalist Najam Sethi, editor of the weekly newspaper Friday Times, was arrested and detained on May 8 after an April 30 speech in New Delhi in which Sethi highlighted a number of crises faced by the country; the speech previously was published without incident in the Lahore-based Friday Times newspaper. Sethi also allegedly had assisted a British Broadcasting Corporation (BBC) reporting team that was investigating corruption within the Prime Minister's family. Approximately 30 policemen broke into Sethi's home very early in the morning, beat him, tied up his wife, destroyed property, and detained Sethi without a warrant. According to press reports, Sethi was detained and interrogated by Government intelligence services as a suspected "espionage agent." Sethi was held incommunicado for several days and was denied access to an attorney. On May 13, a plainclothes police detachment seized over 30,000 copies of the Friday Times, essentially the entire press run for the week. Police produced no warrant or court order. On May 20, the Supreme Court ordered that Sethi be allowed visits with his wife. On June 1, Sethi was transferred from the custody of the Inter Services Intelligence Department to police custody. At that time, Sethi was ordered held for 7 days on police remand, pending a hearing by an antiterrorist court magistrate regarding charges of "antinational activities" filed by a ruling party member of the National Assembly. On June 2, following intense international pressure and strong criticism from the Pakistani Supreme Court, the Attorney General dropped the charges against Sethi and ordered him released. Sethi was released the same day. However, Sharif Government pressure on Sethi did not end with his release from jail. Sethi was called to appear before the Chief Electoral Commission to defend himself against charges made by a ruling party member of the National Assembly that Sethi's name should be struck from Muslim electoral rolls. The Pakistan Muslim League legislator argued that Sethi was a

non-Muslim as defined by Section 260 (3) of the Constitution, and he further argued that as a former federal minister, his comments in New Delhi disqualified him for further legislative service under Sections 62 and 63 of the Constitution. These sections disqualify those who "oppose the ideology of Pakistan" from serving in the National Assembly or Senate. The case against Sethi was dismissed by the Chief Election Commissioner on October 6. In June Sethi found that he had been placed on the Exit Control List, and reportedly was not permitted to leave the country to receive a human rights award in London. According to Sethi, there are also approximately 50 tax cases currently filed against him and his family.

Other journalists also were targeted, many of whom also had assisted the BBC documentary team that was investigating corruption within the Sharif family. On May 4, the Intelligence Bureau detained opposition political leader and commentator Hussain Haqqani. A vocal critic of the Government, Haqqani highlighted wrongdoing by government officials in his writings, and assisted the BBC documentary team investigating corruption. Haqqani was held by the Intelligence Bureau between May 4 and May 7, based on corruption charges filed previously. According to Haqqani, his interrogators demanded to know why he had been critical of the Government and questioned him about the activities of Najam Sethi; Haqqani was beaten while in custody. Haqqani was transferred to Federal Investigative Agency custody on May 7. On May 10, Haqqani's lawyer was allowed access to his client. Haqqani was released on bail on July 30. The charges are still pending. The authorities also harassed other journalists involved in the BBC documentary. Idrees Bakhtiar, the BBC's correspondent in Karachi, was questioned by police and subjected to a warrantless search of his home in February. Mehmood Ahmed Khan Lodhi, a journalist, was questioned by police authorities from May 2-4 concerning his involvement in the documentary. Lodhi was released after journalists covering the Punjab provincial assembly boycotted the May 4 assembly session to protest Lodhi's arrest. Imtiaz Alam, current affairs editor of The News, reportedly received threatening phone calls, including death threats, regarding his contacts with the BBC film crew; on May 5, unknown persons set his car on fire. Ejaz Haider, news editor at the Friday Times, also reported receiving death threats in early May.

A number of journalists--including Ejaz Haider Bokhari of the Friday Times, Imtiaz Alam of the News, and Dawn Islamabad bureau chief Mohammed Ziauddin--were subjected to warnings from police or anonymous sources regarding their criticism of government policies. In March Dawn correspondent M.H. Khan was charged in Hyderabad for a story that showed photographs of fettered prisoners. Police looking for "objectionable" material raided the Karachi home of News reporter Gul Nasreen Akhter. In July the news editor of the Sindhi daily Kawish was arrested in Kotri, apparently after criticism of the police in the press. On July 5, the staff of the magazine Pulse arrived at work to find that the offices had been broken into and raided by unknown persons, shortly after the magazine had published a series of stories detailing corruption within the Intelligence Bureau. An editorial in the News noted that reports of Sindhi journalists or editors being taken into custody "regularly appear" in newspapers. News reporter Moosa Kaleem was detained in August on unspecified charges. Journalist Maleeha Lodhi in January reported harassment including death threats, phone tapping and threatened accountability cases because of her position at the Jang publication The News.

Foreign reporters also reported harassment by the Sharif Government during the year, after publication of stories unflattering to the Sharif family.

The increasing harassment and detention of journalists during the first 10 months of the year led to increasing self-censorship by members of the press. For example, by August, the Jang group, which had suffered harassment earlier in the year, acceded to some of the Government's demands regarding its reporting, editorial content, and hiring, including not publishing stories critical of the Prime Minister and his business interests.

Following the October 12 coup, the Musharraf regime appeared to cease direct efforts to manage the press, which were common under the Sharif Government. Articles critical of the Musharraf regime appeared regularly in the press. After the coup, editors and journalists reported no attempts by the ISPR or other government agencies to influence editorial content. However, some journalists continued to practice self-censorship as a precautionary measure, and the Supreme Court charged Dawn journalist Ardeshir Cowasjee with contempt of court on October 26 following comments Cowasjee made on television regarding corruption in the judiciary. The chief legal advisor to General Musharraf, senior National Security Council member Sharifuddin Pirzada, appeared as a friend of the court on behalf of Cowasjee.

At year's end, the case had not been resolved. During a December 11 protest against the handling of a criminal case in Lahore, the police beat press photographers and smashed their cameras, after photographers reportedly recognized a plainclothes policeman, who was hurling bricks into the crowd (see Section 1.c.). The following day, apparently acting on erroneous information, the Lahore police entered the Lahore Press Club and tried to block all entry and exit points in an attempt to stop a follow-up demonstration. The demonstration, actually scheduled for December 13, was held without incident.

The State no longer publishes daily newspapers; the former Press Trust sold or liquidated its string of newspapers and magazines in the early 1990's. The Ministry of Information controls and manages the country's primary wire service--APP, the Associated Press of Pakistan. APP is both the Government's own news agency and the official carrier of international wire service stories to the local media. The few small privately owned wire services usually are circumspect in their coverage of sensitive domestic news and tend to follow a government line.

A Print, Press, and Publications Ordinance, requiring the registration of printing presses and newspapers, was allowed to lapse in 1997 after several years of waning application. In practice, registering a new publication is a simple administrative act, and is not subject to political or government scrutiny.

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely, but are likewise subject to censorship for objectionable sexual or religious content. English language publications have not been affected by the direct proscription of books and magazines promulgated by the Chief Commissioner in Islamabad, who banned five Sindhi-language publications in the second half of 1997 for "objectionable material against Pakistan," i.e., expressions of Sindhi nationalism.

Privately owned newspapers freely discuss public policy and criticize the Government. They report remarks made by opposition politicians, and their editorials reflect a wide spectrum of views. The effort to ensure that newspapers carry their statements or press releases sometimes leads to undue pressure by local police, political parties, ethnic,

sectarian, and religious groups, militant student organizations, and occasionally commercial interests. Such pressure is a common feature of journalism, and, when a group is extreme in its views, can include physical violence, the sacking of offices, the intimidation or beating of journalists, and interference with the distribution of newspapers. At times landlords and their agents, who have become accustomed to terrorizing the powerless on their lands in an atmosphere of impunity, also retaliate against journalists who shed light on their crimes. Journalists working in small provincial towns and villages generally can expect more difficulties from arbitrary local authorities and influential individuals than their big city counterparts. However, violence against and intimidation of journalists is a nationwide problem.

The broadcast media are government monopolies. The Government owns and operates the bulk of radio and television stations through its two official broadcast bureaucracies, the Pakistan Broadcasting Corporation and Pakistan Television (PTV). Domestic news coverage and public affairs programming on these broadcast media are controlled closely by the Government and traditionally have reflected strongly the views of the party in power. One private radio station, one television broadcaster, and a semi-private cable television operation have been licensed under special contractual arrangements with the Government (these were under investigation for possible corruption in making deals, but so far no irregularities have been found). The semi-private television station, Shalimar Television Network (STN), occasionally has been closed due to disputes with the Ministry of Information and to financial difficulties. None of these stations is permitted to produce news and public affairs programming; the private television station rebroadcasts or simulcasts the regular PTV evening news. The Shalimar Television Network also rebroadcasts PTV news, in addition to current affairs programming from foreign broadcasters, such as the British Broadcasting Corporation. While the STN routinely censors those segments considered to be socially or sexually offensive, rarely, if ever, are foreign news stories censored for content. In July, soon after STN aired news stories critical of the Sharif Government's handling of the Kargil crisis, the government-owned and operated Pakistan Television Corporation (PTV) announced plans to turn the STN into an "all-news" channel, scheduled to start in October; after the coup, the starting date was rescheduled for March, 2000. This station would be under direct government control. The Prime Minister established strict rules regulating morality in government broadcasting and advertising on PTV in 1997, banning western-style dancing, male and female co-hosting of programs, and depictions of women washing in soap commercials. In January 1998, the government of Punjab stated that dances performed by women would be banned from television broadcasts, but took no steps to implement the decree. The Ministry of Information monitors advertising on all broadcast media, editing or removing advertisements deemed morally objectionable. The Secretary for Information was quoted in the press as stating that additional, private television and radio channels would soon be licensed, echoing a pledge made by General Musharraf. However, by year's end, no such licenses were granted. Satellite dishes are readily available on the local market and are priced within reach of almost everyone with a television set--well into the lower-middle classes. South Asian satellite channels (usually India-based) have become very important sources of news and information, as well as popular entertainment. On October 12, as the coup was occurring, television and radio programming was interrupted for several hours.

Literary and creative works remain generally free of censorship. Dance performances, even classical performances, are subject to protest by certain religious groups. Obscene literature, a category broadly defined by the Government, is subject to seizure. Dramas

and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, are broadcast on television, but some sensitive series have been cancelled before broadcast.

The Government and universities generally respect academic freedom. The atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to threaten academic freedom, despite the fact that a 1992 Supreme Court ruling prohibits student political organizations on campuses. On some campuses, well-armed groups of students, primarily from radical religious organizations, clash with and intimidate other students, instructors, and administrators on matters of language, syllabus, examination policies, grades, doctrine, and dress. These groups facilitate cheating on examinations, interfere in the hiring of staff at the campuses, control new admissions, and sometimes control the funds of their institutions. At Punjab University, the largest university in the province, Islami Jamiat-e-Tulaba (IJT--the student wing of the religious political party Jamaat-i-Islami) imposes its self-defined code of conduct on teachers and other students. On December 21, 18 persons at Quaid-e-Azam University were injured in a clash between Pakhtun and Sindhi students at the university. There have been no arrests in connection with the incident.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order;" however, while the Government generally permits peaceful assembly, it occasionally interferes with large rallies, which are held by all political parties. Since 1984 Ahmadis have been prohibited from holding any conferences or gatherings.

District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four persons when demonstrations seemed likely to result in violence.

During the year, police made preventive arrests of political party organizers prior to announced demonstrations. In August police detained as many as 2,500 workers of the Pakistan People's Party (PPP) and the MQM in Sindh several days before a planned September 4 strike organized by the PPP. On September 24, Sindh provincial authorities prohibited a march that was to be held by opposition parties on September 25. Police blocked off the starting point for the march and detained hundreds of MQM and PPP activists and senior leaders prior to the event, as well as in the days immediately after it was to have occurred. Among those detained was MQM Senator Nasreen Jalil, who was arrested at her home on September 24 and held incommunicado for several days; she was released on September 29. The family members of those sought by the authorities reported forcible, warrantless searches, and at least two adult children of absent opposition party leaders were arrested when police could not locate their parents (see Sections 1.d. and 1.f.). In October the authorities blocked a march planned by the Jammu and Kashmir Liberation Front in Kashmir. Police arrested as many as 250 activists prior to and during the planned event.

The MQM has been harassed in its regular political activities, especially by the Sindh police. In one of several such incidents, the police cordoned off the MQM headquarters ("nine zero") on July 31 and surrounded a residential area. Persons living in the area were

barred from leaving for work, and visitors were not allowed to enter. On the same day, according to the MQM, a busload of supporters coming from Nawabshah to support an MQM hunger strike was stopped near nine zero and told to leave Karachi. On August 14, as party members enforced a strike by threatening shopkeepers with pistols in Hyderabad, police beat MQM marchers. However, larger and more prominent demonstrations, such as the party's August 14 Independence Day march to the tomb of Pakistan's founder, took place with only minimal harassment.

In August the Government issued a new ordinance related to the antiterrorism courts (see Section 1.e.). One section of the ordinance made "illegal strikes, go-slows, (or) lock outs..." punishable by up to 7 years' imprisonment and a fine. A wide spectrum of opposition groups opposed this measure, fearing that it would be used to silence legitimate dissent. Some groups argued that the ordinance was adopted specifically to counter opposition plans to organize a strike on September 4.

Police sometimes used excessive force against demonstrators. In September, large numbers of police were deployed in Karachi in preparation for a September 4 opposition strike. The police killed two MQM activists. On September 4, police used water cannons, teargas, and batons to counter a PPP sit-in in Karachi on September 12. On September 25, persons who attempted to hold a march, which had been prohibited, were dispersed by police, who beat and used tear gas against them. In October police used force to disperse a planned march by the Jammu and Kashmir Liberation Front in Kashmir.

The authorities sometimes prevented leaders of politico-religious parties from traveling to certain areas if they believed that the presence of such leaders would increase sectarian tensions or cause public violence. In April, the leader of the Tehrik-i-Nefaz-i-Shariat-i-Mohammadi (TNSM), Mullah Sufi Mohammad, was released from house arrest in Malakand. In April meetings of five or more persons were banned in Malakand division, but were lifted shortly afterwards when Sufi agreed to address only his party's meetings. In September Jamiat Ulema-i-Islami leader Fazlur Rehman was placed under house arrest by the Sharif Government to prevent him from traveling to NWFP tribal areas to address a political rally (see Section 1.d.). In November the Musharraf regime also briefly placed Rehman under house arrest to prevent him from leading a political demonstration in the NWFP.

The Constitution provides for freedom of association subject to restriction by government ordinance and law; however, while these ordinances and laws apparently have not been used since the martial law period, the Sharif Government targeted the activities of NGO's, revoking the licenses of almost 2,000 NGO's in Punjab. In November, the government of Punjab lifted the ban on the registration of NGO's imposed under the Sharif Government, but the NGO's previously delicensed remained so at year's end. There are no banned groups or parties.

c. Freedom of Religion

Pakistan is an Islamic republic in which approximately 95 percent of the population is Muslim, and while the Constitution grants citizens the right to "profess, practice, and propagate" their religion, the Government imposes limits on freedom of religion. The majority of the population is Sunni Muslim, but 20 to 25 percent of the population is Shi'a. The Constitution requires that laws be consistent with Islam and imposes some

elements of Koranic law on both Muslims and religious minorities. While there is no law establishing the Koranic death penalty for apostates (those who convert from Islam), social pressure against such an action is so powerful that most such conversions take place in secret. Reprisals and threats of reprisals against suspected converts are common. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or charge persons who commit them. For example, according to the HRC, in one case prior to 1999, Muhammad Akram was threatened with death by an influential local religious organization after he joined the Ahmadiyya community, whose members are regarded as non-Muslims under the Constitution. The threat was published on the organization's own letterhead, but no legal action has been taken against the group.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Students of other faiths are not required to study Islam but are not provided with parallel studies in their own religion. In practice many non-Muslim students are compelled by teachers to complete the Islamiyyat studies. An education policy announced by the Government in 1998 included provisions for increased mandatory Islamic instruction in public schools.

Minority religious groups feared that the explicit constitutional imposition of Shari'a (Islamic law) favored by the Prime Minister in his proposed 15th amendment and his goal of Islamizing government and society might further restrict the freedom to practice non-Islamic religions. The Sharif Government countered that the proposed amendment contained specific language protecting the rights of minorities. In two areas of the NWFP--in Malakand and Kohistan--Shari'a law was instituted beginning in January, in the first by regulation and the second by an ordinance. On September 20, a bill was passed by the NWFP Assembly that incorporated the Kohistan ordinance in into law; Shari'a law now applies in Kohistan (see Section 1.e.). On December 23, the Supreme Court ruled that interest is un-Islamic and directed the Government to implement an interest-free financial system by June, 2001. Discriminatory religious legislation has added to an atmosphere of religious intolerance, which has led to acts of violence directed against minority Muslim sects, as well as against Christians, Hindus, and members of Muslim offshoot sects such as Ahmadis and Zikris (see Section 5). Since the coup, no action has been taken on the 15th amendment.

Then-Prime Minister Sharif spoke out in support of the rights of religious minorities, and hosted a Christmas dinner in 1997 for 1,200 persons. In September, the Government removed colonial-era entries for "sect" from government job application forms to prevent discrimination in hiring. However, the faith of some, particularly Christians, often can be ascertained from their names. General Musharraf and members of his staff apparently consulted with religious minorities on some cabinet appointments.

In February 1997, a mob looted and burned the Christian village of Shantinagar in Punjab. Local police participated in the attack and are suspected of having instigated the riot by inventing spurious charges that a Christian man had desecrated a copy of the Koran. Hundreds of homes and a dozen churches were destroyed, and 20,000 persons were left homeless. The central Government took immediate relief action, deploying troops briefly to restore order, and the Prime Minister visited the village. The Government has rebuilt damaged and destroyed homes, but has not provided compensation for personal property lost in the incident. The villagers remain fearful of further attacks, and the police officers

believed to be responsible for the riot, though transferred and briefly suspended, have not faced criminal sanctions. The 86 persons who were charged with offenses related to the attack remain free on bail and there was no indication that authorities planned to bring them to trial.

In March 1998, a district court in Rawalpindi removed three sisters, ages 11 to 15, who had converted from Christianity to Islam, from the custody of their Christian parents. The importance of the parents' religion in the judge's decision, however, was not clear. A subsequent court decision in March, over the parents' objections, awarded custody of the two youngest girls to their older sister (who reportedly had converted to Islam) and her Muslim husband; the eldest of the three girls reportedly had married her attorney. The girl's parents attributed the loss of their girls to the influence of religious extremists who packed the courtroom, and claim to have suffered harassment because of the case. The girls' family since has moved, and reportedly is in hiding.

The Ahmadis are subject to specific restrictions under law. A 1974 Constitutional amendment declared Ahmadis to be a non-Muslim minority because, according to the Government, they do not accept Mohammed as the last prophet of Islam. However, Ahmadis regard themselves as Muslims and observe Islamic practices. In 1984 the Government inserted Section 298(c) into the Penal Code, prohibiting Ahmadis from calling themselves Muslim and banning them from using Islamic words, phrases, and greetings. The constitutionality of Section 298(c) was upheld in a split-decision Supreme Court case in 1996. The punishment for violation of this section is imprisonment for up to 3 years and a fine. This provision has been used extensively by the Government and anti-Ahmadi religious groups to harass Ahmadis. Ahmadis continue to suffer from a variety of restrictions of religious freedom and widespread societal discrimination, including violation of their places of worship, being barred from burial in Muslim graveyards, denial of freedom of faith, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Since 1984, Ahmadis have been prohibited from holding any conferences or gatherings. Tabloid-style Urdu newspapers also frequently whip up popular emotions against Ahmadis by running "conspiracy" stories.

Section 295(a), the blasphemy provision of the Penal Code, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. This sentence was increased to 10 years in 1991. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for "whoever willfully defiles, damages, or desecrates a copy of the holy Koran." In 1986 another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the holy prophet Mohammed." In 1991 a court struck down the option of life imprisonment. These laws, especially Section 295(c), have been used by rivals and the authorities to threaten, punish, or intimidate Ahmadis, Christians, and even orthodox Muslims. No one has been executed by the State under any of these provisions, although religious extremists have killed some persons accused under them. Since 1996 magistrates have been required to investigate allegations of blasphemy to see whether they are credible before filing formal charges. During the year, the Ministry of Religious Affairs announced the creation of "Peace Committees" to review charges of blasphemy before the police can act on them; however, these committees are not yet operative. On September 8, Ataula Waraich was arrested and charged under Section 298(b) after he constructed an Ahmadi mosque on his property; during the year, Qim Ali was charged with violating Section 298(c) because he stated that he was a Muslim, and Dr. Abdul Ghani Ahmadi was

charged under Sections 295(a), 295(c), 298(c) for preaching. In September 1998, a Shi'a Muslim, Ghulam Akbar, was convicted of blasphemy in Rahimyar Khan, Punjab, for allegedly making derogatory remarks about the Prophet Mohammed in 1995. He was sentenced to death, the first time a Muslim had been sentenced to death for a violation of the blasphemy law. The case remained under appeal as of June 30; there was no further information on the case at year's end. Ghulam Hussain, a Shi'a Muslim, received a 30-year jail sentence and a \$1,500 (PRs 75,000) fine for blasphemy against the companions of the prophet.

According to Ahmadi sources, 80 Ahmadis were implicated in criminal cases on a "religious basis" (including blasphemy) in 22 cases between January and early December; 44 Ahmadis were charged with violating blasphemy and anti-Ahmadi laws during 1998. According to these sources, a total of 195 Ahmadis have been charged under the law since its inception. A Christian organization, the National Commission for Justice and Peace (NCJP), used public sources to compile lists of accused under the blasphemy law. By the NCJP's statistics, 14 incidents involving accusations of blasphemy on the part of Muslims took place between January and June. Ghulam Mustafa, an Ahmadi religious teacher, was charged for preaching on February 15 under Sections 298(c) and 295c. Intizar Ahmad Bajwa was charged in Purur under 298(c) on May 19. On June 21, three Ahmadis were arrested and another three were charged with blasphemy in Sheikupura, Punjab. Seven Ahmadis were charged in Bakhoo Bhatti, Punjab, with blasphemy on July 3. Mustaq Ahmad Saggon and Nasir Ahmad, two Ahmadis, were charged in Muzaffargarh on July 19 under Section 295 for preaching and distribution of religious literature. The case has been transferred to an antiterrorist court at Dera Ghazi Khan. On July 30, according to Ahmadi sources, a subdivisional magistrate ordered an Ahmadi mosque sealed in Naseerabad, Sindh; it remained sealed at year's end. Three Ahmadis were convicted of blasphemy in December 1997. Abdul Qadeer, Muhammad Shahbaz, and Ishfaq Ahmad were found guilty of violating Section 295(c) and sentenced to life imprisonment and \$1,250 (PRs 50,000) fines. Lawyers for the men have appealed the decision to the Lahore High Court, whose ruling had not been issued by year's end. The Lahore High Court has turned down an application for bail while this appeal is under consideration. Their request for bail has been taken to the Supreme Court, which has not yet given a date for a bail hearing. In the meantime, the men are serving their sentences in the Sheikupura jail. A number of other persons are in jails awaiting trial on blasphemy charges. A Muslim religious scholar, Muhammad Yusuf Ali, was charged under Sections 295(a) and (c) and was jailed in a class "C" cell from March 1997 until his release in June. Due to threats by religious extremists, his wife had to resign from her job as a professor and go into hiding with their children.

On December 14, a group of several hundred persons looted and burned property in Haveli Lakha, Okara district, Punjab that belonged to Mohammad Nawaz, a local Ahmadi leader accused of planning to build an Ahmadi house of worship. A neighbor reportedly incited the incident by accusing Nawaz of building the house of worship after the two were involved in a property dispute. Nawaz, a doctor, reportedly intended to build a free standing clinic next to his home. The mob destroyed the clinic, which was under construction, and looted and burned Nawaz's home. Police arrived at the scene, but did nothing to stop the crowd. By year's end, neither the neighbor nor anyone in the crowd had been arrested or questioned in connection with the incident, and police had taken no steps to find or return any of Nawaz's property. However, Nawaz and his two sons were arrested by the police on December 15 and charged with blasphemy. On December 20,

Nawaz and his sons were granted bail, but the blasphemy case against them was pending at year's end. Other Ahmadis in Haveli Lakha also were charged with blasphemy in connection with the incident, even though they were not in the town at the time. Abdul Sattar Chaudhry, Muhammad Yar Jandeka, and Nasir Jandeka were charged under Section 298(c) for declaring themselves Muslims.

The predominantly Ahmadi town and spiritual center of Rabwah often has been a site of violence against Ahmadis (see Section 5). On November 17, 1998, the Punjab assembly unanimously passed a resolution to change the name of the Punjab town that serves as the administrative religious center of the Ahmadi community from "Rabwah" to "Chenab Nagar." The son of a prominent Muslim fundamentalist filed charges in March against prominent Ahmadi leaders in Rabwah. He charged that Mirza Masroor Ahmad, the country's senior Ahmadi leader, and retired Colonel Ayyaz Mahmud, the leader of the Ahmadis in Rabwah, had directed Ahmadi activists to cross out the name Chenab Nagar on a recently installed plaque and write in Rabwah. The plaque also contained Koranic verses. The Ahmadi leaders denied this allegation. On April 30, Ahmad and three of his colleagues were arrested on blasphemy charges for allegedly inciting the desecration of the plaque. The blasphemy charges against three of the four eventually were dropped, and the four were released after spending more than a week in jail. However, Ahmad still faces charges under Section 295(c), and the three others still face criminal charges under the Maintenance of Public Order Act.

In October Shafiq Masih, a Christian, was acquitted of a blasphemy charge under Section 295(c), but was sentenced to 8 years' imprisonment under Section 295(a) for having uttered derogatory comments against the Prophet Mohammed; he is appealing the decision. In December Hussain Masih, a Christian charged with blasphemy under Section 295(c), was granted bail due to lack of evidence, according to Christian activists. Masih, his son Isaac, and Sehr Ghuri had been accused in November 1998 of making derogatory remarks against the Prophet Mohammed and against the Muslim community. Ghuri was previously released on bail; Isaac Masih never surrendered to the authorities. Ayub Masih (a Christian detained since October 1996) was convicted of blasphemy under Section 295 (c) for making favorable comments about Salman Rushdie, author of the controversial book "The Satanic Verses" and was sentenced to death in April 1998. Ayub's family and 13 other landless Christian families were forced from their village in 1996 following the charges. Masih survived an attempt on his life in 1997, when he was shot at outside of the courtroom while on trial. Although the case was pending appeal before the Lahore High Court, Ayub's principal defender, Faisalabad Roman Catholic bishop and human rights activist John Joseph, committed suicide in May 1998 with a handgun outside the Sahiwal court where Ayub had been convicted, to protest the conviction. The High Court appeal is still pending. Following the Bishop's suicide, there were violent incidents in Faisalabad and Lahore, involving both Christian and Muslim perpetrators. Another Christian, Ranjha Masih, was charged with blasphemy during one of these incidents after throwing rocks at an Islamic sign; he remains in a Faisalabad prison. Nazir Masih, a Christian arrested and charged under Sections 298 and 298(a) in August 1998 for allegedly insulting the daughter of the Prophet Mohammed, was released on bail during the year.

In March a judge in the antiterrorist court of Muzaffargarh sentenced Muhammad Ishaq to 17 years in jail and a \$2,000 (PRs 100,000) fine for propagating "un-Islamic" ideas. Ishaq was a member of the association of Partisans of Islam. In November two journalists, Zahoor Ansari and Ayub Khoso, were sentenced to 17 years in prison and a fine by an

antiterrorist court. The journalists, who worked for the Sindhi daily newspaper Alakh, were charged with publishing derogatory words against the Prophet and insulting the religious feelings of Muslims, according to press reports (see Section 2.a.).

Sectarian violence and tensions continued to be a serious problem throughout the country. One newspaper reported that there have been 300 persons killed in sectarian violence in Punjab in the last 2 years (see Section 1.a.). However, sectarian violence decreased after the October 12 coup.

In April Prime Minister Sharif established a 10-member committee of religious scholars whose declared purpose was to eliminate growing sectarian terrorism and religious dissension in the country. The committee collapsed after a few weeks because Shi'a leaders were unhappy with the committee chairman, Dr. Israr Ahmad, head of the Tanzeem-e-Islami, who reportedly has a reputation for religious intolerance. In the same month, President Rafiq Tarar chaired a seminar in Lahore to foster better understanding between Christians and Muslims. At this interfaith gathering, participants discussed reconciliation efforts since the February 1997 anti-Christian violence in the Christian community of Shantinagar in Punjab, in which mobs looted and burned the village. Hundreds of homes and a dozen churches were destroyed, and 20,000 persons were left homeless.

However, after the coup, sectarian violence decreased. General Musharraf emphasized the rights of religious minorities in his speeches, and the Musharraf Government stated that it was committed to protecting the rights of religious minorities. According to persons in religious minority communities, the Musharraf Government made efforts to seek minority input into decision-making and offered cabinet positions to individuals from religious minority communities. General Musharraf appointed an Islamic religious scholar to the National Security Council. When blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, judges and magistrates, seeking to avoid a confrontation with the extremists, often continue trials indefinitely, and the accused is burdened with further legal costs and repeated court appearances. Many judges also seek to pass the cases to other jurists. Prior to his killing in 1997, Lahore High Court justice Arif Iqbal Hussain Bhatti, one of the two judges who in 1995 ruled to acquit accused Christian blasphemers Salamat and Rehmat Masih, received several death threats from Islamic extremist groups. Bhatti's killer, presumed to be a religious extremist, was arrested during the year, and is being held in Camp Jail in Lahore.

The Government distinguishes between Muslims and non-Muslims with regard to political rights. In national and local elections, Muslims cast their votes for Muslim candidates by geographic locality, while non-Muslims can cast their votes only for at-large non-Muslim candidates. Legal provisions for minority reserved seats do not extend to the Senate and the Federal Cabinet, which currently are composed entirely of Muslims. Furthermore, according to the Constitution, the President and the Prime Minister must be Muslim. The Prime Minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims) must take a religious oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (see Section 3).

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal;

however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved.

The Government designates religion on passports. In order to get a passport, citizens must declare whether they are Muslim or non-Muslim; Muslims must also affirm that they accept the unqualified finality of the prophethood of Mohammed and declare that Ahmadis are non-Muslims.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Most citizens enjoy freedom of movement within the country and the freedom to travel abroad; however, the Government limits these rights. The authorities at times prevent political party leaders from traveling to certain parts of the country; on September 3, the Government placed Fazlur Rehman, the leader of one faction of the religious party Jamiat Ulema-i-Islami, under house arrest to prevent him from traveling to the NWFP tribal areas to attend a political rally. He was released 3 days later (see Section 2.b.). Travel to Israel is prohibited by law. Government employees and students must obtain "no objection" certificates before travelling abroad, although this requirement rarely is enforced against students. Citizens regularly exercise the right to emigrate. However, an Exit Control List (ECL), which is constantly being revised, is used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offenses. The Human Rights Commission of Pakistan estimated that there were 1,738 individuals reportedly on the ECL in late 1998, including 56 parliamentarians. As of early November, the press reported that as many as 8,000 persons suspected of corruption were believed to be on the ECL, many of them placed there by the Musharraf regime. After the coup, all parliamentarians also were placed on the ECL. No judicial action is required to add a name to the ECL, and there is no judicial recourse or formal appeal mechanism if one's name is added. The process for adding names to the list is not open to public scrutiny. Zafaryab Ahmed, a prominent human rights activist, was placed on the ECL in 1998 and was not allowed to leave the country until December 1998. However, in some instances, courts have directed the Government to lift restrictions on some ECL-listed politicians' travel abroad. For example, Benazir Bhutto, former Prime Minister and leader of the PPP, was placed on the ECL and was prevented from leaving the country in December 1998. Bhutto was allowed to leave later that month following a court order to the Government to lift the travel restriction against her.

The Sharif Government continued to use ECL authority to harass opponents and assist the politically powerful. Politicians who angered the Sharif Government were regularly placed on the Exit Control List, often hearing about the restriction only when attempting to board international flights. Journalist Najam Sethi, who was charged with treason by the Sharif Government (see Section 2.a.), also was placed on the ECL, and reportedly was not permitted to leave the country in June to receive a human rights award in London. According to press reports, Syed Qamar Abbas, a former member of the NWFP assembly, was placed on the ECL while he was on trial for murder; he was removed after his acquittal. The ECL sometimes is used by the politically powerful in connection with personal disputes. Humaira Mahmood, a woman who married in defiance of her father's wishes, was placed arbitrarily on the ECL in December 1998 by her influential father. In January she and her husband were arrested when trying to leave Pakistan from Karachi

airport. The couple eventually was allowed to depart Pakistan following intervention by the Lahore High Court (see Sections 1.d., 1.f., and 5).

The Musharraf regime stepped up the use of the ECL, particularly to prevent those suspected of loan defaults or corruption from leaving the country. According to press reports, over 3,000 names were added to the exit control list after the Musharraf regime came to power. The focus apparently was on potential loan defaulters, as part of the Musharraf regime's emphasis on accountability. The army enforced the ECL, especially after the expiration of the grace period for the repayment of defaulted loans on November 17. After October 12, there continued to be periodic reports of persons denied permission to travel. The Musharraf regime refused permission for former senator and human rights activist Nasreen Jalil to travel to a conference on penal reform held in Nepal in November. Human rights activist Asma Jehangir also was prevented from attending a meeting in Kosovo in December, in her capacity as U.N. Special Rapporteur on Extrajudicial Killings.

Pakistan has not signed the 1951 Convention Relating to the Status of Refugees and has not adopted domestic legislation concerning the treatment of refugees. In December the office of the U.N. High Commissioner for Refugees (UNHCR) noted a change in the practice of granting "prima facie" status to all Afghans in the country; under the new policy, all refugee determinations are to be made on a case by case basis. Means for screening Afghan refugees have not yet been established, but the shift in policy implies an increase in the number of Afghans to be repatriated and a decrease in the admission of new arrivals.

The Government cooperates with the office of the UNHCR and other humanitarian organizations in assisting refugees. First asylum has been provided to refugees from Afghanistan since 1979, when several million Afghans fleeing Soviet occupation poured across the border. There still are believed to be 1.2 million Afghan refugees in Pakistan who have been granted first asylum. In addition to refugees recognized and assisted by UNHCR, a large number of unregistered Afghans are believed to live in the country, mostly in urban areas.

The Government has not granted permanent legal resettlement to Afghan refugees but allows them to live and work in Pakistan. Many are self-supporting and live outside of refugee camps, which has resulted in some hostility among local communities, whose residents believe that Afghans take job opportunities from them and contribute to crime in the country. On June 13, police in Peshawar swept Afghan shop keepers and their patrons out of the Hayatabad Kar Khanah market area, demolishing stalls as they went, and beating persons who resisted. This incident, along with the March press reports concerning the possible confinement of refugees to camps and the April relocation of Afghan refugees from the Nasir Bagh camp, led some to fear an attempt by the provincial government to make life more difficult for Afghan refugees and thus to encourage them to return to Afghanistan. The press reported on similar initiatives in Islam