



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took office. This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



U.S. Department of State

Pakistan Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

PAKISTAN

Pakistan is an Islamic republic with a democratic political system. A popularly-elected parliament and a government headed by a Prime Minister have wide constitutional power, shared to a limited extent with the President and, informally, the Chief of the Army Staff who wields considerable influence on many major policy decisions. The Pakistan Muslim League government of Prime Minister Mian Nawaz Sharif, which came to power in February with a massive parliamentary majority, passed a constitutional amendment in April that removed the President's power to dismiss the Government and dissolve parliament "in his discretion." As a result, the popularly-elected government has greater power than any of its predecessors since the return of formal democracy in 1988. The Government's power was further enhanced by the constitutional confrontation between the Prime Minister and the Chief Justice over the selection of five new justices for the Supreme Court. As a result of this struggle over judicial versus executive authority, President Leghari resigned in early December, and the Prime Minister's own candidate was elected to the presidency on December 31. Also in December, a ten-judge Supreme Court panel deprived the Chief Justice of his position and a new Chief Justice was sworn in. Some observers fear that this confrontation damaged the prestige and independence of the judiciary. The Constitution provides for an independent judiciary; however, it is subject to executive branch influence.

Responsibility for internal security rests primarily with the police, although paramilitary forces, such as the Rangers and Frontier Constabulary, are called in to provide additional support in areas where law and order problems are especially acute, such as Karachi and the frontier areas. Provincial governments control the police and paramilitary forces when they are assisting in law and order operations. The army is also occasionally deployed to assist in maintaining public order in sensitive areas during certain

religious holidays. Members of the security forces committed numerous serious human rights abuses.

Pakistan is a poor country, with great extremes in the distribution of wealth between social classes. Its per capita annual income is \$470, and its rate of illiteracy is extremely high, especially among women. 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 taken some steps in pursuit of economic reforms, emphasizing the privatization of government-owned financial institutions, industrial units, and utilities. Cotton, textiles and apparel, rice, and leather products are the principal exports.

The Government's human rights record remained poor, with serious problems regarding police abuse, religious discrimination, and child labor. Police committed numerous extrajudicial killings and tortured, abused, and raped citizens and in many cases were not brought to justice. Prison conditions remained poor, and police arbitrarily arrested and detained citizens. Since the dismissal of the Pakistan People's Party (PPP) government of Benazir Bhutto by President Leghari in November 1996, both the caretaker government and later the elected Nawaz Sharif government took some steps to end human rights abuses by police and paramilitary forces. However, in general, police continued to commit serious abuses with impunity. In Karachi, for example, there have been few verified reports of extrajudicial killing by security forces, though representatives of the Muttahida Quami Movement (MQM) charge that their party continues to be targeted by the security forces. The Government has sometimes used the "accountability" process--by which the present Government hopes to expose previous wrongdoing, recoup ill-gotten gains, and restore public confidence in government institutions--for political purposes by arresting a number of prominent politicians and bureaucrats connected with the main opposition party. Few of those arrested and questioned have been put on trial. Case backlogs lead to long delays in trials, and lengthy pretrial detention is common. The judiciary is subject to executive influence, and suffers from inadequate resources, inefficiency, and corruption. Sectarian strife in Punjab province and politically-motivated violence in Karachi prompted the Government in August to pass a law creating a system of Special Courts to try persons accused of terrorism and other "heinous crimes." Human rights advocates, opposition leaders, and others criticized the law, charging that it violates the Constitution by setting up a parallel judicial system charged with deciding cases in truncated time periods (7 days) and by granting the police extraordinary powers that threaten individual liberties. The Government infringed on citizens' privacy rights. Although the press largely publishes freely, journalists practice self-censorship and the broadcast media remain a closely-controlled government monopoly. The Government imposes limits on the freedom of assembly, movement, and--for the Ahmadis in particular--religion.

Political groups, including rival Sunni and Shi'a sectarian extremists and the MQM and their opponents, were responsible for killings, while religious zealots continued to discriminate against and persecute religious minorities, particularly Ahmadis and Christians, basing their activities in part on legislation that discriminates against non-Muslims. Government-imposed procedural changes have made the registration of blasphemy charges more difficult. Nonetheless, three Ahmadis were convicted under the blasphemy law during the year and a number of people are still facing trial. Religious and ethnic-based rivalries resulted in numerous murders and civil disturbances. Traditional social and legal constraints kept women in a subordinate position in society. They continued to be subjected to violence, abuse, rape, trafficking, and other forms of degradation by their spouses and members of society at large. Violence against children, as well as child abuse and prostitution, remained problems. Female children still lag far behind boys in education, health care, and other social benefits. The Government and employers continued to restrict worker rights significantly. Bonded labor by both adults and children remained a problem. The use of child labor remained widespread, although it is now generally recognized as a serious problem and industrial exporters have adopted a number of measures to eliminate child labor from specific sectors.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Police professionalism is low. The extrajudicial killing of criminal suspects, often in the form of deaths in police custody or staged encounters in which the police shoot and kill the suspects, is common. In September the Prime Minister took note of the number of individuals killed while in police custody and called on the Punjab chief minister--who is the Prime Minister's brother--to crack down on police torture. Rival political groups use police to kill each other's activists in such fake encounters and criminal organizations use police to kill members of rival organizations, in a similar fashion. Suspected criminals are murdered by the police to prevent them from implicating police in crimes during court proceedings. Police officials maintain in private that due to the lack of concrete evidence, witness intimidation, corruption in the judiciary, and sometimes political pressure, courts often fail to punish criminals involved in serious crimes. The police view the killings of criminal suspects as appropriate in light of the lack of 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 are occasionally transferred or briefly suspended for their involvement in extrajudicial killings. However, court-ordered inquiries into these murders have failed to result in any police officer receiving criminal punishment, though several have recently been charged with criminal offenses in such cases. In May and June, Lahore police killed several notorious alleged criminals, including Shahid Butt, wanted in a number of murders, robberies and kidnappings. The police claimed that Shahid was killed in a shootout after running a roadblock on May 31. Shahid's family claims that he was in police custody for 4 days before he was shot. The police who took part in the alleged encounter were rewarded with cash prizes and promotions.

In one of many examples of police murders, Mohammad Ali, age 27, was tortured and killed by Punjab police in the early morning hours of July 27, according to the Human Rights Commission of Pakistan. His legs had been crushed, evidently by some sort of roller, and his torso was marked by numerous wounds. After a day and a half of torture, police dumped his body at Sahiwal hospital where an alert staff member challenged the police. Although seven officers were arrested for the murder, actual criminal punishment of the officers is considered unlikely, according to human rights advocates. Police torture was common and resulted in other deaths (see Section 1.c.).

The death while in police custody of an alleged goat thief, Muhammed Islam, sparked a series of violent protests against police cruelty in Lahore in September. According to press reports, Islam's family alleged that police tortured Islam to death during interrogation, while the police maintained that Islam had committed suicide by hanging himself. A post-mortem report found evidence of torture on Islam's body, but did not mention the cause of death. In the wake of protests by residents of the area and activists of the Islamist political party Jamaat-I-Islami's youth wing, the police arrested a police sub-inspector and a constable on charges of murder.

PPP party members demonstrated in Karachi in September to protest the killing of a PPP activist who was shot by police. The victim, Abdul Karim Khaskali, reportedly was picked up by police while on his way to donate blood. The police initially claimed that Khaskali was shot while trying to escape from custody, but they later arrested a head constable on murder charges.

At times police used excessive force against demonstrators. For instance, two people were shot and

killed by police at the Prime Minister's appearance at 50th anniversary celebrations in Karachi at the mausoleum of Pakistan's founder, Muhammad Ali Jinnah, when crowds pressed against the Prime Minister's entourage.

Karachi remained a hotbed of politically-motivated violence, although extrajudicial killings by security forces there diminished, after the MQM became a coalition partner in the state government. Tensions between the federal and provincial governments and the MQM continued, despite the fact that the MQM became a coalition partner with the Pakistan Muslim League (PML) both in the Sindh Government and the federal Government, and now holds half the cabinet positions in Sindh and one minister in the federal government. The MQM was formed in 1984 as a response to a set of real and perceived political grievances on the part of the Mohajirs, Urdu-speaking Muslims who migrated from India to Pakistan following partition in 1947, and their descendants. The MQM, in part because of its successful organizational structure and its willingness to use violence and intimidation to further its ends, grew to become the dominant political party in urban Sindh, sweeping to power in November 1987 local elections in Karachi and Hyderabad. Relations between the MQM and the Government have been contentious and often violent ever since.

After the formation of the new Sindh government in February, MQM hopes that the paramilitary Rangers would return to their barracks were thwarted, and a build-up of Ranger forces was ordered, despite criticism from the MQM, which believed itself to be the Rangers' chief target. The Government has constituted a committee of PML and MQM leaders to investigate extrajudicial killings and missing MQM workers, but there has been little progress in the investigations. Impunity of security forces and police personnel remains a problem.

On November 12, four U.S. citizen employees of Union Texas Pacific, along with their Pakistani driver, were shot and killed while traveling to the company's headquarters in Karachi. No one has claimed responsibility for the killings, and extensive investigations have failed to establish any motives or suspects. On September 17, five Iranian air force personnel and their Pakistani driver were killed at a busy intersection in Rawalpindi. The radical Sunni organization Lashkar-I-Jhangvi claimed responsibility for the killings. A number of arrests have been made in connection with the case, but it is not yet clear whether those who have been arrested will be charged with carrying out the murders.

Asif Ali Zardari, husband of former Prime Minister Benazir Bhutto, is on trial for the murder of Benazir Bhutto's brother, Murtaza Bhutto. The trial is taking place in closed session at the Karachi jail. In March Zardari was elected to the Senate on the PPP ticket but was not allowed to take the oath of office until December, when the Sindh High Court decided that he should be allowed to take his seat in the Senate. He is to attend future Senate sessions under guard and is to be housed in a jail in Rawalpindi during the sessions.

b. Disappearance

There were no confirmed cases of politically motivated disappearances.

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

Although expressly forbidden by the Constitution and the Penal Code, torture and other cruel, inhuman, or degrading treatment by police remained common practice. Police routinely use force to elicit confessions. Authorities suggest that because of the widespread use of physical torture by the police, suspected criminals usually confess to the crimes with which they are charged regardless of their guilt or innocence; subsequently, many such confessions are thrown out by the courts.

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, and public humiliation. Some magistrates help cover up the abuse by issuing investigation reports stating that the victims died of natural causes. According to press reports, in August two men died while in police custody in Hyderabad. Doctors' reports stated that the deaths were due to torture. Police torture resulted in other deaths (see Section 1.a.). In September the Rawalpindi bench of the Lahore High Court directed the police to file charges against nine policemen who allegedly detained and tortured a man charged with theft. According to the first incident report (FIR)--an official document that initiates a criminal investigation--the man was held for 6 days, during which time he was hung upside down and repeatedly tortured by constables.

On April 28, Mohammad Ayyaz Baluch was arrested at his Islamabad home by Pakistani authorities. There is evidence that he was tortured in custody prior to his trial and conviction by a military court.

The overall failure of successive governments to prosecute and punish abusers is the single greatest obstacle to ending or even 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 up to 100 people die from police torture each year.

The Anti-Terrorism Law passed in August allows confessions obtained while in police custody to be used to convict defendants in the new "special courts." Human rights organizations and the press have criticized this provision of the law, as it is commonly believed that the police regularly torture suspects. However, the law stipulates that the confession must be taken by a police officer not below the rank of deputy superintendent and that the court may require a videotape of the confession.

In general, due to greater scrutiny by nongovernmental organizations (NGO's) and media attention, as well as more frequent and thorough prison inspections, torture and abuse is less common in prisons than it is in police stations.

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. People 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 July Punjab province chief minister Shahbaz Sharif declared his own police were "corrupt and inefficient." He appointed new senior officers to improve effectiveness, while resisting pressure to appoint those recommended by influential supporters to police positions.

It is commonly accepted, and President Leghari has publicly stated, 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. They then recoup their investments by extorting money from the citizenry.

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, staffed by female personnel, are provided with even more inadequate 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 July, the Commission of Inquiry for Women found 52 cases of violence or torture of women while in police custody. A particularly brutal example of such abuse involved a 16-year-old girl who was suspected of helping a woman run away from home. Two reliable human rights organizations report that the girl was gang-raped by police and relatives of the missing woman, after which hot chilies were forced inside her vagina. In another incident involving police misconduct with women, the Prime Minister ordered an inquiry into a report that the Secretariat police station had kept a woman, Shamim Akhtar, in custody for 3 days in July, allegedly for helping her husband in a car theft. Akhtar was reportedly tortured and paraded naked around the police station before being presented in court, which subsequently released her on bail. Instances of abuse of women in prisons are less frequent than in police stations (see Section 5).

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 Islamic law, or Shari'a, including death by stoning for unlawful sexual relations and amputation for some other crimes. These 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 18 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 may be 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 are frequently charged under the Hudood laws on sexual misconduct, such as adultery. Approximately one-third of the women in Lahore central jail are 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 weakly enforced and one human rights monitor claimed that 80 percent of all adultery-related Hudood cases are filed without any supporting evidence. According to Amnesty International, men accused of rape are sometimes 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).

Prison conditions are poor. Overcrowding is a major problem, and the Law Commission estimates that almost every jail in the country has three times more prisoners than its nominal capacity. For example, according to the Pakistan Law Commission's report on jail reform, issued in August, Pakistan's jails have a capacity of 34,014 prisoners, but, as of mid-1996, they held 74,483 convicted and "under trial" prisoners. In addition, according to a report issued by the Punjab Prisons Department in June, 52,826 prisoners (including 928 women) were being held in 28 facilities with a capacity of 17,271. The Karachi central jail houses 4,700 prisoners, though its capacity is only 1,000. According to press reports, only 391 of these prisoners have been convicted, while the rest are either awaiting trial or pursuing appeals.

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. The use of handcuffs and fetters is common. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. Conditions in "B" and "A" cells are markedly better with prisoners in "A" cells permitted to have servants, special food, and televisions. The authorities reserve "A" cells for prominent persons. Especially prominent individuals--including some political figures--are sometimes held under house arrest and permitted to receive visitors. The Government announced in September that imprisoned women who are not facing criminal charges have been transferred to "B" cells.

The Government permits prison visits by human rights monitors.

There were reports that wealthy landlords or political parties operated private jails. Many such jails are believed to exist in tribal and feudal areas and one press report stated that as many as 50 private jails were being maintained by landlords in lower Sindh. Some of the prisoners reportedly have been held in them for many years. An investigation by an English-language daily in September uncovered a private torture cell, allegedly run by an assistant sub-inspector (ASI) of police, in which victims, none of whom were charged with crimes, were held and tortured in order to extort money from them and their families. The ASI and one of his constables subsequently were suspended by the Punjab inspector general of police.

d. Arbitrary Arrest, Detention, or Exile

The law regulates arrest and detention procedures; however, the authorities do not always comply with the law. 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 that there have been 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 FIR filed by a complainant. The police have been known to file FIR's without supporting evidence. FIR's are thus frequently used to harass or intimidate individuals. Charges against an individual may also 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 another FIR is then 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. Such proof, however, 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 an arrest is made and often hold detainees without charge until they are challenged by a court. 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 arbitrarily detained 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.). 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 about 6 months after the filing of charges.

The Government permits visits by human rights monitors and family members and lawyers. However, in some cases, authorities refuse family visits and in some police stations people 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 (FCR), which recognizes the doctrine of collective responsibility. Authorities are empowered to detain the 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. For example, in July in an effort to resolve a kidnapping, government authorities in Bajaur Agency detained a 17-year-old boy who had no connection to the alleged crime. The boy's father appealed to the Prime Minister in an effort to obtain the release of his son. In other instances, in July and August, the Government used this authority in Khyber Agency to find "proclaimed offenders" who had sought refuge in this tribal agency. The Government demolished the houses of several alleged criminals.

However, in April the Government issued an amendment to the FCR that allows residents of the FATA to appeal decrees, sentences, and other acts of the political agent. As of September 10, hundreds of appeals of political agents' decisions had been lodged.

The Government sometimes uses mass arrests to quell civil unrest. Sectarian violence in the Punjab caused the Government on several occasions to round up hundreds of members of extremist groups and students at religious schools believed to be terrorist recruiting centers and training grounds. Police also arrested demonstrators, including members of religious minorities and political parties (see Section 2.b.).

The Accountability Commission established by the caretaker government and headed by a retired judge has been overshadowed by an "accountability cell" headed by a close associate of the Prime Minister. This cell has been accused of conducting politically-motivated investigations of politicians, senior civil servants, and business figures, designed to extract evidence and in some cases, televised confessions of alleged wrongdoers. Some examples of televised confessions included Salman Farooqi, Secretary of Commerce under Benazir Bhutto; Ahmed Sadiq, Benazir Bhutto's principal secretary; and Zafar Iqbal, chairman of the Capital Development Authority.

Most politicians and bureaucrats who have been charged with corruption or other crimes are out on bail (in addition to murder, Benazir Bhutto's husband, Asif Zardari, has also been charged with corruption). The MQM contends that several thousand of its members are still in jail on politically-motivated charges which date from the 1992-96 period. The Government is supposed to be reviewing the cases of these imprisoned individuals (most of whom are awaiting trial) to see if they can be released. To date, few of them have been released.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, however, in practice, the judiciary is subject to political influence. Nonetheless, during the course of 1996-1997 the judiciary vigorously asserted its authority in a number of disputes with the executive branch. The Government's power was further enhanced by the constitutional confrontation between the Prime Minister and the Chief Justice over the selection of five new justices for the Supreme Court. As a result of this struggle over judicial versus executive authority, President Leghari resigned in early December, and the Prime Minister's own candidate was elected to the presidency on December 31. Also in December, a ten-judge Supreme Court panel deprived the Chief Justice of his position and a new Chief Justice was sworn in. Some observers fear that this confrontation damaged the prestige and independence of the judiciary. 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 high-profile cases, as well as the federal Shari'a appeals courts for certain Hudood 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.

Special terrorist courts began operation in Punjab in August. These courts, designed for speedy punishment of terrorist suspects, have special streamlined procedures. The new Anti-Terrorism Law, under which the courts were established, sanctions the death penalty for "terrorist acts", which are defined very broadly, that cause the death of any person, and jail sentences of 7 years to life for other terrorist acts. Acts, including speech, intended to stir up religious hatred are punishable by up to 7 years' rigorous imprisonment. Cases are supposed to be decided within 7 working days, and trials in absentia are permitted. Appeals to an appellate tribunal are also required to take no more than 7 days. Bail is not to be granted if the court has reasonable grounds to believe the accused is guilty. Those charged with offenses committed prior to the date of the act are subject to the special courts, but can only receive punishments that were stipulated by laws in force at the time the crime was committed. Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the new courts, charging that they constitute a parallel judicial system and could be used as tools of political repression.

The anti-terrorist courts are also empowered to try people accused of particularly "heinous" crimes, such as gang rape and murders that are not terrorist-related. In September, for example, an anti-terrorist court in Faisalabad sentenced a man to death for killing seven members of his own family. In addition, the Punjab Advocate General on September 9 told the Lahore High Court bench that all cases filed under Section 295 of the Penal Code (the so-called blasphemy law) would be transferred to the special courts. Human rights advocates fear that if this occurs, alleged blasphemers who in the past were normally granted bail or released for lack of evidence are likely to be convicted, given the less stringent rules of evidence required under the Anti-Terrorism Act. In Punjab province--where the bulk of the anti-terrorist courts are located and where the vast majority of sectarian-related cases are being tried--146 sectarian-related cases were referred to the courts, but only 13 have been decided. In those 13 cases, two death sentences were handed down, three sentences of life imprisonment were given, and there were eight acquittals. A total of 1311 non-sectarian cases were turned over to the anti-terrorist courts in Punjab, but only 146 had been decided by year's end. No death sentences have been carried out by year's end.

Following the historic March 1996 judgment of the Supreme Court curtailing powers of the executive to appoint and transfer judges of the superior courts, the judiciary has been asserting its authority more aggressively. However, the confrontation between the Prime Minister and the Chief Justice which resulted in the removal of Sajjad Ali Shah as Chief Justice is widely viewed as a setback to the cause of judicial independence.

In August a commission chaired by Supreme Court Chief Justice Sajjad Ali Shah opposed the establishment of "a parallel system" of special anti-terrorist courts. Also in August, taking note of ongoing sectarian violence and the Government's failure to control it, the Chief Justice summoned administrators and leaders of various Islamic sects to discuss ways to quell the violence. The judiciary has argued that it has not been able to try and convict terrorist suspects speedily because of poor police casework, prosecutorial negligence, and the resulting lack of evidence.

The civil judicial system provides for an open trial, 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.

The federal Shari'a Court and the Shari'a bench of the Supreme Court serve as appeals courts for certain convictions in criminal court under the Hudood Ordinances. The Federal Shari'a 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.

The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Scores of positions in both the higher and lower courts remained unfilled. For example, the Lahore High Court operates with only 43 judges, though it is entitled to have 50. This shortage is partly due to a lack of money: a High Court judge costs the Government roughly \$2,500 (approximately 100,000 rupees) per month, which includes funds for salary, travel allowances, housing, and servants. The politicized appointment process also holds up the promotion of many lower court judges to the higher courts.

Although the higher level judiciary is considered competent and generally honest, there are widespread reports of corruption among lower level magistrates.

Persons in jail awaiting trial are sometimes held for periods longer than the sentence they would receive if convicted. For example, the large backlog in the Rawalpindi bench of the Lahore High Court delays justice for citizens. As of September, there were 10,000 cases pending, with only a handful of judges to review them. Court officials report that each judge reviews between 70 and 80 cases per day, but action is taken on only 3 or 4 each week. The Law Ministry, in reply to a question in the National Assembly in late September, reported that there are over 150,000 cases pending with the superior judiciary, which includes the Supreme Court and the four provincial high courts. 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 are frequently referred to panels composed of two or three High Court judges.

The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood money), with the result that compensation is sometimes paid to the family of a victim in place of punishment of the wrongdoer. The right to seek pardon or commutation is not available to defendants under these ordinances. The Hudood, Qisas, and Diyat ordinances apply to both ordinary criminal courts and Shari'a courts. According to Christian activists, if a Muslim murders a non-Muslim, he can compensate for the crime by paying the victim's family Diyat; however, if a non-Muslim murders a Muslim, he does not have the option of paying Diyat and must serve a jail sentence or face the death penalty for his crime. Though not commonly used, these doctrines are occasionally applied, particularly in the NWFP. For example, in July a convicted murderer waiting to be hanged in the Mardan district jail was freed hours before his scheduled execution. The family of the killer reached a compromise with the family of the victim. Besides agreeing to other terms and conditions, the murderer's family paid Diyat. However, another person in the same case was hanged, as no compromise was reached with the victim's family.

Appeals of certain Hudood convictions involving penalties in excess of 2 years' imprisonment are referred exclusively to the Shari'a 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 Shari'a 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 (Koranic punishment) and others to Tazir (secular punishment) (see Section 1.c.). Although both types of cases are tried in ordinary criminal courts, special rules of evidence apply in Hadd cases. For example, a non-Muslim may not testify against a Muslim, but may testify against another non-Muslim. Likewise, the testimony of a woman is not admissible in cases involving Hadd punishments. No Hadd punishment has ever been applied in the 18 years that the Hudood Ordinances have been in force. A woman's testimony regarding financial matters is not admissible unless corroborated by another woman (see Section 5).

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.

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 local governments, 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.

On October 30, following the Supreme Court's decision to suspend the 14th Constitutional Amendment (which prohibits individual members of parliament from "defecting" to rival political parties after their election), Prime Minister Nawaz Sharif accused the Court and, in particular, the Chief Justice of encouraging political "horse trading" by removing the ban on changing political allegiances. The Chief Justice took the view that this constituted "contempt of court" and Nawaz Sharif and others have been on trial since then on this charge. The 14th Amendment remains suspended pending a Supreme Court decision on the constitutionality of provisions that may infringe on a parliamentarian's freedom of speech.

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. In July tribal elders of Mohmand agency banished an individual from the agency and razed his dwellings for firing on a tribal lashkar (armed levy). In May a politico-religious organization called the Tanzeem Ittihad-I Ulema-I Qaba'il (Organization of the Union of the Ulema of the Tribes) (TIUQ), which is striving for the implementation of stricter Islamic law in the FATA, publicly flogged a man and a teenager for their alleged involvement in homosexual behavior--the first Islamic punishment that the TIUQ has carried out since it was banned in 1995. On December 2, a couple was publicly executed in the Khyber tribal agency after a court set up by the TIUQ found them guilty of incest. The court stated that a mother-in-law cannot marry her son-in-law even if she is divorced. The family of the convicted couple carried out the sentence by shooting them to death. Since the revival of the group during the year it also has carried out other punishments, such as destroying the homes of alleged thieves.

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. For example, in June several jewelers from Peshawar who were suspected of kidnaping tribeswomen from the Khyber agency and setting them up in a prostitution racket were killed by the women's relatives.

Most politicians and bureaucrats who have been charged with corruption or other crimes are out on bail (in addition to murder, Benazir Bhutto's husband, Asif Zardari, has also been charged with corruption). The MQM contends that several thousand of its members are still in jail on politically-motivated charges which date from the 1992-96 period.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The new Anti-Terrorism Law allows police, or military personnel acting as police, to enter and search homes and offices without search warrants, and confiscate property or arms likely to be used in a terrorist act (which is defined very broadly). This provision has yet to be tested in the courts. Prior to this, by law the police had to obtain a warrant to search a house, but they did not need a warrant to search a person. However, even before passage of the Anti-Terrorism 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 are seldom punished for illegal entry.

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 commonly resort to wiretapping and occasionally 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 the Supreme Court's judgment on the legality of Leghari's dismissal of the Bhutto government, which was issued in September, the Supreme Court directed the federal Government to seek the Court's permission before carrying out any future wiretapping or eavesdropping operations. Nonetheless, in December 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 which are still tapping and monitoring telephone calls of citizens. The case is still pending in the Supreme Court.

Police sometimes arrest and detain relatives of wanted criminals in an attempt to compel suspects to surrender. In some cases, the authorities have detained whole families to force a relative who was the subject of an arrest warrant to surrender (see Section 1.d.).

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 who allegedly tolerated nearby criminal activity (see Sections 1.d. and 1.e.).

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, conforming to

prevailing journalistic practice and local mores. 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.

The Constitution also stipulates the death penalty for anyone who damages the Constitution by any act, including the publication of statements against the spirit of the Constitution. 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 in late December for legal charges against the candidacy of Rafiq Tarar, the current President, based on press statements made several years ago that were critical of the judiciary.

The competitive nature of politics helps to ensure press freedom, since the media often serve 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 has traditionally 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 release of military news and access to military sources. Leaks, while not uncommon, are carefully managed: it is common knowledge that journalists, routinely underpaid, are on the unofficial payrolls of many competing interests, and the military (or elements within it) is presumed to be no exception. Rumors of intimidation, heavy-handed surveillance, and even legal action to quiet the unduly curious or nondeferential reporter are common.

During the year this pattern of control and restraint loosened somewhat: early in the year--after an election in which corruption in high places was the principal issue--the press published charges of corruption and misuse of office against senior navy and air force offi