

## **Table of Contents**

- ***The world's largest death row prisoners awaiting for their fate***
- ***The boy accused of blasphemy who cut off his hand***
- ***Pakistan executed 332 after reinstating death penalty: report***
- ***International scandal of 95 detainees held in one cell, including children***
- ***Executions cross 200***
- ***Nawaz Sharif tries to do the right thing during Ramadan: pause hangings***
- ***Pakistan executes Aftab Bahadur despite protests over child conviction, torture allegations***
- ***A call for an immediate intervention to stop extrajudicial killings***
- ***Pakistan - The fate of feminism***
- ***Council of Islamic ideology endorses ruling on underage marriage***
- ***Pakistan's slow but steady progress on ending child marriage***
- ***Pregnant Pakistani woman stoned to death by her family***
- ***Pakistan police charge 68 Pakistani lawyers with blasphemy***
- ***Girl buried alive for marrying her own choice - Order of Tribal Court***
- ***Malala Yousafzai wins EU's Sakharov human rights prize***
- ***The government must abolish the death penalty and amend the Constitution accordingly***
- ***The AHRC welcomes the stay on executions***
- ***Malala's Pakistan by the numbers***
- ***International Day to End Impunity-- Impunity against media rises to unacceptable levels***
- ***A person was hanged after the government went back on its pledge to abolish the death penalty***
- ***Extra judicial killings in Balochistan - 25 journalists, writers, human rights defenders, students and activists were killed during the first four months of this year***

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## **The world's largest death row prisoners awaiting for their fate**

***A Written Submission to the UN Human Rights Council by the Asian Legal Resource Centre***

The Asian Legal Resource Centre (28.08.2017) - <http://bit.ly/2whnOoW> - The Asian Legal Resource Centre (ALRC) would like to draw the attention of the UN Human Rights Council to the state of death penalty in Pakistan. The right to life is the inalienable right of every human being. Pakistan's Constitution, international norms and conventions dictate that

no one shall be deprived of life and liberty. In Pakistan this right is only available to a select few. The normative laws may provide an extensive basis for the protection of the right to life. But the substantive laws, such as the Protection of Pakistan Act, 2014 and Anti-terrorism Acts, are arbitrary and unjust-causing travesty in the name of justice.

ALRC/AHRC is thankful to the UNHRC and the International Community for raising their voices against executions. The international bodies have played a pivotal role in stopping executions which have increased since December 15, 2014. We would also like to thank the Commune of Nations who supported our cause. If not, there would have been more executions as in 2015 when more than 344 death row inmates were hanged to death. Unfortunately for Pakistan, the civil and military establishments have always indulged in a tug of war for power. Needless to say, this causes non-implementation of any pragmatic strategy. Although the Civilian Government was against lifting of the moratorium on hanging it was only at the behest of the Military that they reluctantly ceded.

Fortunately, due to pressure exerted by civil society and the international community, the hangings have become few and far between. The lifting of the moratorium on the execution of death sentences, while the Criminal Justice System is mired in corruption and injustice, is a complete travesty of justice and human decency. Exercising the death penalty, in an already intolerant society, is clearly a populist move rather than a deterrent to crime and terror. Blind to justice and international norms, these Courts have handed down death sentences to minors, the mentally and physically challenged as is the case of Imdad Ali.

With more than 475 hangings since the lifting of the moratorium on execution on December 27, 2014, Pakistan ranks third in the world in the number of executions, behind Saudi Arabia and China. Given serious fair trial concerns, executions are travesties of justice. Insufficient access to lawyers and endemic Police torture to extract confessions severely undermine due process and fair trial.

The State has been unable to contain the spread of terrorist ideology or ensuing violence. Hanging an alleged terrorist has proven to be futile in deterring crime, as the incidents of terrorism continue to rise in many parts of the country.

Instead of executing inmates, perhaps the better counter-terrorism measure would be to eliminate the terror cells that are mass producing suicide bombers and militants. The Interior Ministry recently shared the State Department's statistics with Parliament to prove that the ongoing operations against terrorists had helped improve the situation to a large extent.

According to the Amnesty International, at least 8,500 prisoners were under the death penalty at the end of 2015. According to the Interior Minister of State, in 2015 there were 6,016 death row inmates in the country. It is not clear whether he was referring only to inmates whose death sentences had been finalized on appeal. Pakistan has the largest number of people in the world on death row. At this rate, if the Government were to decide to up their execution rate and hang all the death row convicts within a year, State executioners will have to hang 667 people daily.

Establishment of Military Courts to try militants has also proven fruitless against curbing the tide of militancy. Despite completing their mandate of two years and a Sunset Clause becoming operational, the military courts are still doling out capital punishment after summary trials. The criteria of sending cases to the military courts has still not been decided or drawn up. The Police, already marred by corruption and inefficiency, are authorized to decide which of the criminal cases will be sent to military courts. The inefficiency of the police can be gauged from a case of car theft that was sent to a military court from the Koral Police Station of Islamabad. Upon scrutiny it was revealed that the offender had the same FIR number of 2013 against another unknown person.

However the police in attempts to show its efficiency had sent the case of theft to a military court by changing the year from 2013 to 2014.

The criminal justice system in Pakistan is one of the few examples of an archaic remnant of the colonial era system where capital punishment was omnipresent. The threat of capital punishment looms over much of the criminal justice system. At the time of Pakistan's independence in 1947, only two crimes, murder and treason, were eligible for the death penalty. Today, Pakistani law identifies 27 crimes punishable by death, in addition to terrorist offenses. Many of those crimes, such as blasphemy and adultery, directly contravene the holdings of the Human Rights Committee.

Despite the Constitutional guarantee under Article 9, the courts hand down death penalties without following any due process, or fair trial. Right to life is a supreme and inalienable right, and any exception to it must be narrow and well-founded. The death penalty legitimizes an irreversible act of violence by the State and will inevitably claim innocent lives. As long as human justice remains fallible, the risk of executing an innocent can never be eliminated.

Following the Peshawar Massacre that claimed the lives of more than 150 school children on December 16, 2014, the moratorium on the death penalty was lifted. It was on the insistence of the military hierarchy that sought refuge for its shortcoming for failing to protect the children by lifting the moratorium on the death penalty. Instead of working out a cohesive counter-terrorism strategy the military and intelligence agencies urged the hanging of death row inmates who were already languishing in jail for decades, many of them innocent. Calls for comprehensive reforms to this overall system of justice, has been called for, time and time again, by civil society activists, the intelligentsia and interested parties. However, despite such repeated calls – except for a few half-hearted pledges by the Government for reforms, no concrete measures have been taken so far

The lifting of the moratorium on the death penalty was always going to be more of a populist move than a deterrent. And, this has proved to be the case. With poor reputations and labyrinthine and archaic procedure of testimony and evidence, the Anti-Terrorism and Session's Courts have been passing death sentences. Rampant miscarriage of justice that results due to confession obtained through torture is the basis for these courts to hand down death sentences. These courts are blind to justice and norms. They have been handing death sentences to minors and even the mentally and physically challenged. Without tackling the root cause of terrorism, i.e. poverty, unemployment, illiteracy, and increasing radicalization, hope for reformation is wishful thinking. Drawing a distinction between the good Taliban and the bad Taliban, while the innocent are hanged, serves no meaningful purpose, other than perpetuating cruelty.

In the light of the above the ALRC would like to recommend that the Government of Pakistan should:

- a) Immediately place a moratorium on the death penalty, and release all inmates who have served out more time in jail than the prescribed penalty for their alleged crime.
- b) The State should invest extensively and heavily in reforming the Criminal Justice System. The Government should make wide scale reforms in policing, the criminal justice system and witness protection
- c) Roll back the Military Courts that have already completed their mandate of two years and the Sunset Clause that has become operational.

The State should own up to their own shortcomings and inefficiency at curbing terrorism. They should devise a cohesive plan of action to check the spread and dissemination of violent ideologies in the name of religion.

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## The boy accused of blasphemy who cut off his hand

BBC (19.01.2016) - <http://bbc.in/1KpKhzl> - "Why should I feel any pain or trouble in cutting off the hand that was raised against the Holy Prophet?"

Those are the words of 15-year-old Qaiser (not his real name) who chopped off his right hand just a few days ago believing he had committed blasphemy.

Many believe fellow villagers started shaming the boy after the local cleric had made the accusation of blasphemy - and that is why Qaiser felt the need to prove his love for the Prophet Muhammad.

On 11 January, Qaiser was attending a celebration of the Prophet's birth at a mosque in his village in north-eastern Punjab.

The cleric hosting it worked the crowd into a fervour and, a few hours into the celebration, called out: "Who among you is a follower of Muhammad?" Everyone raised their hands.

He followed it with another question: "Who among you doesn't believe in the teachings of the Holy Prophet? Raise your hands!"

Qaiser, mishearing, inadvertently raised his hand.

Witnessed by about 100 worshippers, the cleric immediately accused him of blasphemy and the boy returned home to prove his love for the Prophet - by cutting off his own hand.

For a 15-year-old, Qaiser looked exceptionally frail when I met him. But his fight with pain and fear was outweighed by a sense of religious righteousness.

"When I raised my right hand unwittingly, I realised I had committed blasphemy and needed to atone for this," he told the BBC.

It appears it didn't matter to him whether it was a mistake or not - he couldn't live with the shame of the accusation without punishing himself, so had to undo it.

"I came back home and went to the grass-cutting machine, but found the place dark so I took my uncle's phone to point some light at my hand. I placed it under the machine and chopped it off in a single swirl."

Qaiser picked his severed hand up from under the machine and, bleeding profusely, placed it on a tray and took it back to the mosque, less than 100m from his home.

Asked about everyone's reaction, he said: "They didn't say anything. A few people came forward to take me to the hospital, before I passed out."

Religious fervour did not only override empathy among the villagers - even Qaiser does not seem disposed to self-pity.

"I didn't feel any pain when I chopped it off so why would I feel any now? The hand that commits blasphemy should be chopped off," he said, with a restrained smile.

His entire village is celebrating the act of expiation. The extreme nature of this "devotional" act has made Qaiser into a revered figure.

He is being heralded among the villagers, and to a certain degree by himself, as a righteous hero. Most of his fellow villagers are illiterate and belong to an extremely conservative Islamic sect - their profoundly religious life is reflected in the mosques you find every few paces in this part of Pakistan. But Qaiser's act has even drawn admiration from surrounding villages.

Farooq, a man in his mid-thirties, was one of those who came to pay his respects. Appearing at Qaiser's home, he took the boy's left hand, kissed it and pressed it against his forehead. Following local custom, he also placed some cash in the pocket of the teenager he hails as a hero.

"I heard that a boy sacrificed his own hand for the love of our Prophet. I came here to meet him."

"The boy's gesture to show his love for the Prophet is unmatched. I'm here to encourage him and to pay homage," he continued, his eyes brimming with tears of affection.

Qaiser is the youngest of five children and the first to continue his school studies into his mid-teens. He had always been known for his strong religious convictions.

While Qaiser was having his wounds dressed in a poorly-equipped clinic, his father told us: "I hardly make ends meet."

Breaking down, he added: "I don't even have money to pay the nurse. I also want a new hand for my son. My only solace is that he did it for the Prophet."

The cleric has been arrested under anti-terrorism laws, and denies charges of inciting hatred and violence. But the family does not want the cleric to be punished.

That Qaiser punished himself so severely after being accused of blasphemy is unprecedented in Pakistan. But some say he may have been spared a worse fate in an increasingly conservative country, where people accused of blasphemy, or those who defend them, can end up victims of mob violence and lynching.

In 2011, Punjab Governor Salmaan Taseer was murdered by one of his own bodyguards in the capital, Islamabad, after criticising Pakistan's strict blasphemy laws and voicing support for a Christian woman sentenced to death for a blasphemy charge she denies.

Another outspoken critic of Pakistan's blasphemy laws, Shahbaz Bhatti, the country's first minorities minister and a Christian, was also shot dead in 2011.

Many will find the story of what Qaiser did to clear his name disturbing but it highlights the extreme sensitivity around the issue of blasphemy in Pakistan.

What may have started as a simple misunderstanding went on to have life changing consequences for a child.

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## **Pakistan executed 332 after reinstating death penalty: report**

The Express Tribune (16.01.2016) - <http://bit.ly/1ZsA1Ns> - Pakistan announced this week that authorities have executed 332 criminals and militants since lifting a moratorium on the death penalty in 2014, marking the first time an official tally has been released.

The National Action Plan (NAP) was unveiled to curb militancy after Taliban assailants gunned down more than 150 people, most of them children, at Peshawar's Army Public School on December 16, 2014.

### ***UN urges Pakistan to stop executions***

In accordance with the NAP, the six-year moratorium on the country's death penalty was lifted and the constitution amended to allow military courts to try those accused of carrying out attacks.

Hangings were initially reinstated only for those convicted of terrorism, but in March they were extended to all capital offences.

In a written reply submitted to the parliament on Friday, the Ministry of Interior and Narcotics Control said 332 people had been executed in the country.

Supporters argue that executions are the only effective way to deal with the scourge of militancy in Pakistan.

But critics say the legal system is unjust, with rampant police torture and poor representation for victims during unfair trials, while the majority of those who are hanged are not convicted of terror charges.

### ***Four sentenced by military courts hanged in Kohat***

Amnesty figures suggest Pakistan is on track to become one of the world's top executioners in 2015.

According to the report submitted to parliament, 172 religious seminaries across the country have also been closed on suspicions of having links to militant organisations.

"993 URLs and 10 websites of organisations have been blocked," it said.

The dossier added that 98.3 million unregistered SIM cards have been blocked.

More than 2,000 cases of hate speech have also been registered, while 2,195 people have been arrested. More than 70 shops have been shuttered throughout Pakistan for selling material deemed to promote hate speech.

Since 2013, paramilitary troops and police have been engaged in an anti-militant and crime operation in Karachi.

### ***Four APS militants hanged in Kohat***

Thousands of criminals have been arrested in the operation's wake along with 890 militants in the city. Officials says militant attacks have fallen by 80 per cent as a result, according to the report.

In June 2014, the army launched the "Zarb-e-Azb" operation in a bid to wipe out militant bases in North Waziristan tribal area and so bring an end to the bloody decade-long insurgency that has cost Pakistan thousands of lives.

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## **International scandal of 95 detainees held in one cell, including children**

Lord Alton (04.09.2015) -

<https://www.facebook.com/LordAltonofLiverpool/posts/54463834568315> -

Earlier today, Friday September 4th, during a visit to Bangkok's Detention Centre for Refugees, the British Independent Peer, David Alton (Lord Alton of Liverpool), met Pakistani Christians who are being held there. One detainee told him that he and his six year old son are sharing a cell with 95 other men and children and is permitted to see his wife and other children, who are held elsewhere in the Detention centre, once a week for one hour.

The man, who is a Christian pastor, had fled Pakistan after threats to him and his family. There are around 4,000 Pakistani Christian men, women and children now living as illegals or being held in detention centres in the Thai capital.

Their plight is documented in the Jubilee Campaign report "Don't Turn Them Back":

[http://jubileecampaign.org/.../Jubilee-Campaign\\_Thailand-Repo...](http://jubileecampaign.org/.../Jubilee-Campaign_Thailand-Repo...)

In meetings with the United Nations High Commission for Refugees (UNHCR) the Peer presented officials with a petition organised by Pakistani Christian leaders in Bangkok along with a dossier. This documented appalling, scandalous overcrowding; the lamentable failure to process asylum applications - some will not be considered and resolved 2018; the dismal lack of UNHCR resources and personnel; the lack of legal representation for detainees; the failure to protect women and children; inadequate and flawed translation provision; the denial of education for children and young people; meagre health care, leading to deteriorating conditions and deaths of refugees while detained; and the dismissal of evidence from Pakistan highlighting an escalation in violence against the tiny Christian minority and the well-founded fear of lethal persecution.

UNHCR officials conceded that there is "extreme overcrowding" in the detention centres and that "conditions in Thai prisons are actually better than in the detention centres."

The Peer later met with senior British officials who have been monitoring the situation and held evidence taking sessions with a number of Pakistani Christians who are forced to live illegally because of the failure to process their applications.

He said that "the exodus from Pakistan is driven by visceral hatred and a fanatical disregard for the rights of minorities. In a country where the brave Minister for Minorities, Shahbaz Bhatti, can be murdered in broad daylight, where churches are bombed, where an illiterate woman can be sentenced to death of alleged blasphemy charges, where a husband and wife can be burnt alive in front of their young children, and where there is a culture of impunity which rarely leads to those responsible being brought to justice, it is little wonder that many Christians are fleeing for their lives. It doubly compounds their suffering when the international community fails to step up to the plate in defense of those who have to endure such pitiless suffering and hardship.

### ***Recommended reading***

BPCA urge UNHCR in Thailand to protect asylum seekers from existing brutality

<http://www.britishpakistanichristians.co.uk/blog/bpca-urge-unhcr-in-thailand-to-protect-asylum-seekers-from-existing-brutality>

Lord Alton visits UNHCR to discuss brutal treatment of Pak-Christian asylum seekers in Thailand

<http://www.britishpakistanichristians.org/blog/lord-alton-visits-unhcr-to-discuss-brutal-treatment-of-asylum-seekers>

Report on Forced Marriages and Forced Conversions in the Christian Community of Pakistan

[https://d3n8a8pro7vhm.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP\\_Report\\_-\\_](https://d3n8a8pro7vhm.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215)

[Forced Marriages and Conversions of Christian Women in Pakistan.pdf?1396724215](https://d3n8a8pro7vhm.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215)

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## Executions cross 200

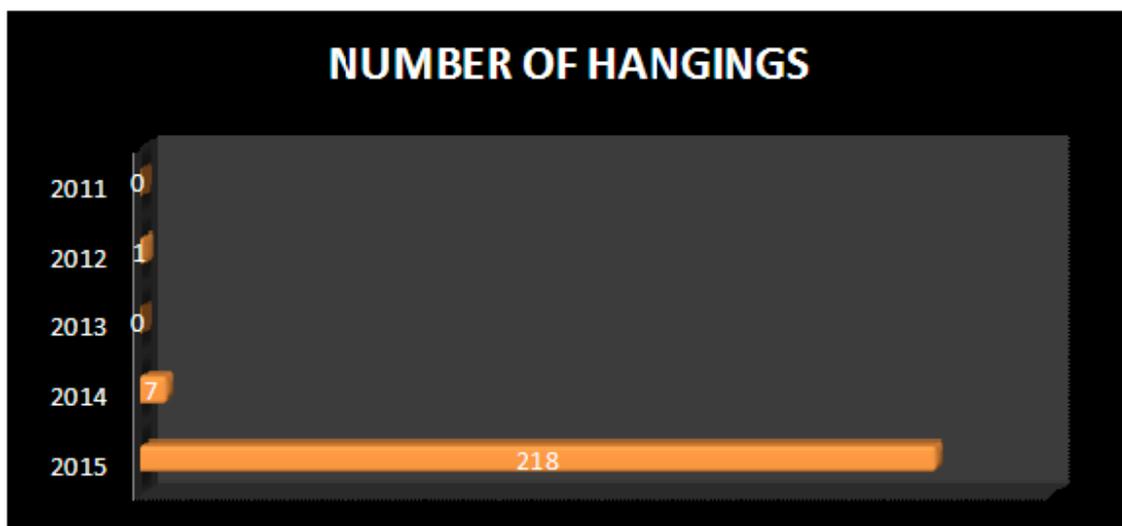
Asian Human Rights Commission (09.09.2015) - The number of hangings in Pakistan has already crossed the 200 mark in 2015, and there are still about four months left in the year. If killing human beings were a race, Pakistan is winning hands down. And still there is room for improvement.

An estimated 8,000 people, the largest in the world, are on death row in Pakistan. If the government, were to decide to up their execution rate even more and kill all the death row convicts this year itself, State executioners will have to hang 667 people daily.

It is not unlikely. For, to appease the real rulers of the land, the propped up civilian rulers have no qualms about unleashing a spate of judicial, quasi-judicial, or extrajudicial murder. The 21st Amendment to the Constitution has already been instituted to assist ruthless State terrorism.

On March 17, Pakistan executed 12 people, the highest number of executions in a single day in almost a decade. Within no time this record was broken on April 21, when 15 people were hanged. Of the provinces, Punjab has taken the lead; 170 executions have taken place in Punjab in 2015.

In December 2014, Pakistan lifted the moratorium on executions, which had been in place since 2008, in the wake of the Taliban attack on a school in Peshawar that killed more than 150 children. The death penalty was initially reserved for terror convicts, but on March 10 of this year it was extended to all capital crimes, including kidnapping and murder.



*\* Source Amnesty international*

Of those executed, perhaps only two to three have been terrorists. Under the guise of tackling terrorism, the government is using ruthless power to terrorise the whole society through these executions, taking shelter behind a constitutional amendment.

The lifting of the moratorium on the death penalty was always going to be more of a populist move than a deterrent. And, this has proved to be the case. With poor reputations and labyrinthine and archaic procedure of testimony and evidence, the Anti Terrorism and Sessions Courts have been passing death sentences. Rampant miscarriage of justice that results due to confession obtained through torture is the basis for these courts to hand down death sentences. These courts are blind to justice and norms. They have been handing death sentences to minors and even the mentally and physically challenged.

Take the case of Khizar Hayat, a schizophrenic, whose mental state deteriorated due to 17 years spent on Pakistan's death row. Due to relentless efforts of the Justice Project of Pakistan (JPP), a group working for prisoners on death row, and the District and Sessions Judge Tariq Iftikar Ahmad, the execution of Khizar's death warrant was delayed to allow for a proper medical evaluation. But the State remains determined to hang him till his death.

Khizar's death warrant arrived at a time when the State of Pakistan was already receiving much condemnation from the international community for the execution of Shafqat Hussain, who was a juvenile at the time of the crime. Khizar's death warrant is in violation of the UN Convention on the Rights of Persons with Disabilities, which Pakistan ratified in 2011. The UN Commission on Human Rights adopted resolutions in 1999 and 2000 urging countries that retain the death penalty not to impose it "on a person suffering from any form of mental disorder". Additionally, Section 84 of Pakistan Penal Code excludes from criminal punishment any person demonstrating "disorder of his mental capacities".

Another case of miscarriage of justice cost Aftab Bahadur his life. Aftab was put to death in June, despite evidence that proved he was a minor when he was convicted of murder in 1992. Though he recanted his statement, which he later claimed was made following torture, he was executed.

Though Khizar is temporarily saved from the gallows, another disabled Abdul Basit, a paraplegic, faces the gallows. The wheelchair bound prisoner at Lahore jail, Basit, 43, was convicted and sentenced to death for murder in 2009. In 2010, he contracted tubercular meningitis in prison. The prison authorities did not provide him sufficient health care, which left him paralysed from the waist down. Despite a government-appointed medical board having confirmed the continuing severity of his condition, last month a "black warrant" was issued for Abdul Basit's execution.

Commenting on these cases, Harriet McCulloch, Deputy Director of Reprieve's Death Penalty Team has said: "It is deeply disturbing that Pakistan's authorities are trying to go ahead with these two cruel and unnecessary executions. There is surely no justification for trying to hang a man with the severe disabilities from which Abdul Basit clearly suffers – nor for killing Khizar Hayat, who is severely mentally ill and has little understanding of his fate. Killing these two seriously ill men will do nothing to improve safety and security in Pakistan and will further damage the reputation of Pakistan's criminal justice system."

Pakistan is one of eight countries in the world, namely China, the Democratic Republic of Congo, Iran, Nigeria, Saudi Arabia, United States, and Yemen, which has since 1990 executed prisoners that have been under 18 years old at the time of commission of crime.

To comprehend how Pakistan has joined this illustrious list, a brief chronology on death sentences in Pakistan is in order. President Mr. Asif Ali Zardari on 9 September 2008 issued an indefinite moratorium on execution of death sentences for prisoners on death row. The moratorium ended on 14 November 2014 when Mr. Muhammed Hussain, a soldier, was hanged for murder at Central Jail Mianwali.

On 17 December 2014, after the Peshawar school attack, the State lifted the moratorium for terrorism cases. Finally, on 10 March 2015, Pakistan lifted the moratorium on the use of capital punishment in the country entirely.

On 28 April 2015, Pakistan carried out its 100th execution since the moratorium was ended for the death penalty in December 2014. On June 14, the Pakistan government announced a temporary reprieve for death row prisoners during the month of Ramadan.

Death Sentences by Province					
Province	Lethal offence	Non-lethal offence	Unknown	Tried in terrorism courts	Tried in regular courts
Balochistan*	88	1	0	26	63
Khyber Pakhtunkhwa*	159	10	12	20	163
Punjab*	6,022	226	8	641	5,628
Sindh	291	20	20	131	200

*Source: Justice Project Pakistan. \* 2012 figures. Sindh figures from 2014.*

The lifting of the Moratorium on the execution of death sentences in a country where the criminal justice system is marred by miscarriage of justice and corruption is a complete travesty. The civilian as well as the military courts are sentencing people without following due process. Even the façade of the rule of law has taken a back seat as the State gropes in the dark to deter terrorism with judicial and quasi-judicial terror. Without tackling the root cause of terrorism, i.e. poverty, unemployment, illiteracy, and increasing radicalisation, hope for reformation is wishful thinking. Drawing distinction between the good Taliban and the bad Taliban while the innocent are hanged serves no meaningful purpose, other the perpetuating cruelty.

## **Nawaz Sharif tries to do the right thing during Ramadan: pause hangings**

Foreign Policy (19.06.2015) - This week, Pakistan executed at least 15 people, most of whom had spent years on death row before meeting their end in the Pakistani justice system. For these unlucky 15 and their families, this week's news must have felt like a cruel joke, when Prime Minister Nawaz Sharif ordered the government to suspend executions in honor of Ramadan.

Citing "the sanctity of the holy month" of Ramadan, Sharif issued an order Sunday through his Interior Ministry, compelling provincial governments to [suspend the death penalty](#). For most of Pakistan, Ramadan [begins Friday](#), depending on when you can see the new moon, and the ban on executions would continue for the holiday's 29 or 30 days.

This would certainly seem to be an act of uncommon mercy. This is a country that, after all, has hanged more than 170 people since December, and currently has [over 8,000 people](#) on death row, according to Amnesty International. For months now, human rights

organizations have [decried](#) the Sharif government's appetite for the death penalty, which it has used largely in response to increasing acts of violence by the Taliban and its affiliated groups.

But it wasn't always this bad. When the Pakistan People's Party's Asif Ali Zardari became president in 2008, he issued an unofficial [moratorium](#) on executions, adhering to the party's longstanding rejection of the policy — unofficial because the executive branch in Pakistan doesn't technically enjoy any exclusive authority over whether local jurisdictions pursue capital punishment. But it can express its preference, which local jurisdictions can choose whether to follow. Overall, the executive's authority over such matters is murky.

Indeed, despite Zardari's attempt to block executions, [Pakistan would go on](#) to sentence 276 people to death in 2009 and another 365 in 2010, while thousands continued to languish on death row.

When the Sharif government took power in the summer of 2013, it came under heavy pressure by the European Union to extend Zardari's ban on capital punishment. Brussels reportedly even [dangled promises](#) to drop trade duties in exchange for a moratorium. Then on Dec. 16, Tehrik-i-Taliban militants attacked a school in Peshawar, killing 148 people, mostly children. In response and under pressure from the military, Sharif revoked the moratorium for non-military personnel in "terrorism" cases, leaving the definition of terrorism more or less undefined — great news to a military seeking the most exacting punishment possible for terrorism suspects. In March, the Sharif government went ahead and [lifted the moratorium](#) all together, perhaps realizing that parsing the difference between terrorists and non-terrorists would be difficult and potentially unconstitutional. The Pakistani death machine was up and running once more.

According to the British human rights organization [Reprive](#), Pakistani government officials are determined to eventually clear the backlog of more than 8,000 inmates on death row — the largest in the world. Moreover, Pakistani police have long been accused of using torture to obtain forced confessions, particularly of juvenile suspects such as Shafqat Hussain, who was 14 or 15 years old in 2004 when he was allegedly tortured into confessing to kidnapping and killing a seven-year old boy. The torture allegedly included electrical shocks to his genitals and burning him with cigarette butts. Authorities, for their part, say Hussain was 23 at the time of his incarceration.

On June 1, an anti-terrorism court ordered his execution on June 9. Shortly before he was set to die, the court granted him a [reprieve](#), marking the fourth time his execution has been delayed. But the Supreme Court has so far refused to hear his appeal.

Given the Pakistani government's embrace of capital punishment, this brief stretch of benevolence will mean little for the legal standing of those on death row in Pakistan. If anything, it buys those next in line — typically, those who've been on death row the longest — a little extra time to lodge a last-minute appeal.

Pakistan is, of course, not the only country in the world — Muslim-majority or not — to have embraced capital punishment. But prominent Muslim scholars such as Tariq Ramadan have called for [international moratorium](#) on the death penalty in Islamic countries.

But judging by the run-up to Islamabad's pause on executions during Ramadan, capital punishment is likely to remain a feature of the Pakistani justice system. On Wednesday, just before the holiday's start, Pakistani executioners [managed to squeeze in](#) seven last hangings.

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## **Pakistan executes Aftab Bahadur despite protests over child conviction, torture allegations**

Reuters (10.06.2015) - Pakistan on Wednesday executed a man who was 15 when he was sentenced to death for murder and whose lawyers say was tortured into confessing, in a case that has prompted concern among rights groups and the United Nations.

Aftab Bahadur was sentenced to death for killing three people in 1992 and human rights group Reprieve said two witnesses who implicated Bahadur had since recanted, saying they were tortured.

At the time, the death penalty could be passed on a 15 year old, but the minimum age was raised to 18 in 2000.

Testimony obtained by torture is also inadmissible.

"Aftab Bahadur was hanged at District Jail Lahore on Wednesday at 4.30 am," a jail official in Pakistan's eastern city of Lahore said, declining to be named as he was not authorized to speak to the media on the issue.

"Before the hanging, he was crying and saying he was innocent."

The date of birth on Bahadur's birth certificate and national identity card, June 30, 1977, is not disputed by authorities.

"Pakistan proceeded with Mr Bahadur's execution despite his having been sentenced to death when he was a child - in violation of both international and Pakistani law," Reprieve said.

Prime Minister Nawaz Sharif lifted the moratorium on the death penalty last year, a day after Pakistani Taliban gunmen attacked a school and killed 134 pupils and 19 adults. The killings put pressure on the government to do more to tackle the Islamist insurgency.

In an essay written from jail and published a day before his hanging, Bahadur, a Christian, repeated his assertion that he was innocent.

"But I do not know whether that will make any difference," he wrote. "I have not given up hope, though the night is very dark ... It would perhaps have been better not to have to think of what the police did to try to get me to confess falsely to this crime."

On Tuesday, another man, Shafqat Hussain, whose lawyers say was a child when charged with murder and only confessed after being tortured, was handed a reprieve just hours before he was to be executed, the fourth time his death penalty has been stayed.

But the Supreme Court rejected Hussain's appeal on Wednesday morning.

His lawyers say he was 14 in 2002 when he was burnt with cigarettes and had his fingernails removed until he confessed to killing a child. Authorities say he was 23 when he was sentenced.

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## **A call for an immediate intervention to stop extrajudicial killings**

Asian Legal Resource Centre (04.09.2014) - *Twenty seventh session, Agenda Item 3, General Debate*

**A written submission to the UN Human Rights Council by the Asian Legal Resource Centre**

- 1. Extra judicial killings have become rampant in Pakistan; they are being executed with impunity and are rarely tried in Courts.** The Asian Legal Resource Centre (ALRC) continues to document hundreds of cases of extra-judicial killings in Pakistan, which are generally accompanied by absolute impunity, due to the lack of investigations and prosecutions. The rampant killings, the lack of effective actions to neither punish them nor provide redress to the victims and their families, speak of the serious lacunae in the justice delivery institutions. Without substantial and structural reforms, ensuring the effective functioning of the country's investigation and justice delivery systems- especially so, in instances where the perpetrators of abuses are alleged to be state agents or members of powerful groups - prospects for the effective protection and enjoyment of human rights, including the right to life, remains extremely dim.
2. At the start of this year, on 16 January 2014, three mass graves were found in Pakistan and according to authorities 17 mutilated bodies were dug up from these graves contrary to reports by eye witnesses who said that around 169 bodies were found. Nationalist groups have also stated that they recognized three missing persons amongst the dead bodies in the graves. Government imposed a curfew at the time, when these graves were found[\[1\]](#).
3. The Government of Balochistan formed a Judicial Commission to probe the findings of the mass graves. The Judicial Commission prepared its report on 20 May 2014. However the report was made public only on the 19th of August 2014. The Commission in their report, failed to point out the causes for the mass graves and those responsible. The report rejected outright the involvement of the government, the armed forces and other law enforcement agencies in the discovery of the mass graves. The report instead, remained non-committed and hinted towards the involvement of a suspect and his accomplices belonging to Khuzdar in the incident[\[2\]](#).
4. The findings of another such Judicial Tribunal on mass graves in Balochistan province are equally disappointing and consistent with the blatant pattern of shielding the actual masterminds of the mass grave scheme. This new and fresh official investigation tribunal did not come up with any extraordinary revelations except for vehemently ruling out the involvement of the Pakistani army and the government in the killings – which falls far below an adequate response to such a shocking and horrific discovery of human bodies.
5. Article 9 of Pakistan's Constitution provides that "no person shall be deprived of life or liberty save in accordance with law". The Supreme Court of Pakistan has held that extra-legal executions "violate Article 9 of the Constitution which confers, protects and preserves life, liberty and property of all citizens" of Pakistan. Further, Article 6,

Paragraph 1 of the ICCPR establishes respect for the right to life as a primary obligation of states that have ratified the Convention. It states that "every human being has the inherent right to life and that this right shall be protected by law adding that no-one shall be arbitrarily deprived of his life". Although the ICCPR does acknowledge the permissibility of restricting some rights in certain circumstances such as the need to maintain public order etc., the arbitrary deprivation of life of even the most hated "terrorists" is never justified.

6. In contrast to the law, the government of Pakistan has accorded unlimited powers to the various law enforcement authorities to combat terrorism through Pakistan Protection Act of 2014. In September last year, the government has issued the Pakistan Protection Ordinance (PPO), without the approval of the National Assembly. The law provides nine months to all law enforcement authorities to operate illegally to implement the PPO without the express approval of the Parliament.
7. The Pakistan Protection Ordinance (PPO) gives power to shoot a suspect on sight and keep a suspect in detention for 90 days without being produced before a Magistrate. Subsequently the National Assembly passed the Protection of Pakistan Act (PPA) 2014 which permits security forces to shoot suspects on sight with the permission of a grade -15 official. Prior to the PPA was passed by the parliament, law enforcement authorities including, the police, the Pakistan rangers, the Pakistan Army and Frontier Corps, have all illegally implemented the powers conferred by the Pakistan Protection Ordinance and have been involved in the killing of more than 300 persons in what they term as 'fake encounters' during the first seven months of this year.
8. These "encounter killings" are typically used by the authorities to falsely justify extra-judicial killings. In the case of extra-judicial killing of the 25 year old Sarfaraz Shah on 8 June 2011, by members of the Sindh Rangers paramilitary force, a spokesperson for the Sindh Rangers made a press statement claiming that the victim had been killed during an 'armed encounter' with the Rangers. However, bystanders had filmed the incident that clearly showed the victim was unarmed, non-violent and was pleading for his life while refusing accusations of theft, before he was killed. Therefore the Bill enacted to protect Pakistan; which seeks "to provide for protection against waging of war against Pakistan and the prevention of acts threatening the security of Pakistan" instead is used by the law enforcement authorities to abuse their powers and even to kill the people of Pakistan and with impunity. These killings are part of a wider pattern of arbitrary arrests and abductions, forced disappearances and torture following which, victims emerge dead, often by having their mutilated bodies dumped by the roadside.
9. Canadian and US Foreign Ministers have also expressed their concerns about these extra judicial killings and disappearances in Pakistan. On April 25, 2014 Toronto Sun produced a letter written by Canada's Foreign Affairs Minister John Baird saying that "We are concerned about reports of forced disappearances and extrajudicial killings in Pakistan's Balochistan province ... Canada strongly condemns acts of persecution on the basis of ethnicity or religion and shares international concerns about the treatment of Pakistani minorities, including the Baloch."
10. Within days of Canada expressing "concern" over extra-judicial killings in Balochistan, an assassination attempt was made on Hamid Mir, one of Pakistan's most prominent journalists, who has written about the plight of the Baloch people. On April 18, Mir tweeted: "It's very painful that (Pakistani) security agencies are involved in

extra-judicial killings of political workers." The following day, gunmen attacked Mir as he drove from Karachi airport to the headquarters of GEO TV. Six shots were fired, three hitting Mir as his driver dodged bullets and raced the wounded journalist to a hospital, where he is now recovering from his injuries. There was no immediate claim of responsibility, but within hours of the attack, Mir's brother accused the Pakistan army general who heads the Inter-Services Intelligence (ISI) directorate of being behind the assassination bid, saying the ISI "was eating up Pakistan like termites."

11. In the Punjab province, the chief minister, Mr. Shahbaz Sharif, is notorious for extra judicial killings and fake police encounters. During his two time rule in the province he hired such police persons who were treated as experts of 'fake encounters'. On June 17, his government killed 15 political persons belonging to Pakistan's Awami Tehreek (PAT) including two women. Police was ordered by the Chief Minister to clear the barricades from the office of PAT and when there was resistance, the police ordered to shoot directly at the protesters. The provincial government has not allowed lodging any complaint before the police. The Sessions Court has ordered to register the complaints from the victim families but the government has stopped the police to register the case.
12. During this year alone, there were 28 such fake encounters reported in which more than three dozen persons were killed including 9 women and two children.
13. The government on a previous occasion on 5 September 2013 launched a similar operation against target killers, extortionists, terrorists, car snatchers and street crimes. The government gave vast powers to police and Pakistan Rangers including the detention of a suspect for many days for the purpose of interrogation. It is reported that the whereabouts of more than 17,000 persons are unknown since the operation began. It is also reported that about 200 persons were killed while they were in the custody of Law Enforcement Agencies (LEA) or in fake encounters.
14. The dominating political party of Karachi, Sindh province, the MQM, claims that its 28 persons were killed after their arrests. During the operation, Karachi has become a dumping field of the disappeared persons who were arrested by law enforcement agencies. The MQM says that its many workers are still missing after their arrests by the law enforcement agents. The Sindhi nationalists are the direct victims of fake encounters and the AHRC has documented about two dozen cases of extra judicial killings this year.
15. The military is conducting operation in the Federally Administrated Tribal Areas (FATA) of Pakistan situated in KPK province against the terrorist. It is conducting indiscriminate aerial bombardment over several villages situated in the mountainous areas, killing hundreds of people and media are not allowed to cover the operation. The operation has forced about one million persons to flee from the affected areas. The IDPs report that they have become sandwiched between the military and the Taliban. Military on the suspicion of being militants are killing people on the spot and militant groups, such as the Taliban, are also engaged in similar practices. Therefore obtaining accurate statistics of those extra judicially killed has become impossible.

**Recommendations:**

Given the vast amount of extra-judicial killings being perpetrated in Pakistan with such impunity, the Asian Legal Resource Centre urges the Human Rights Council to take all necessary measures, not limited its intervention to only the Universal Periodic Review but to pressure the Government of Pakistan to take effective action with immediate effect; to assist in a call for an impartial international inquiry into the mass graves found in Balochistan and to address the widespread abuses by;

- a. Guaranteeing the right to life, in line with the provisions of the ICCPR and domestic law, by taking all necessary measures to ensure that all allegations of extra-judicial killings are promptly and effectively investigated and prosecuted, with particular attention given to cases of extra-judicial killings following forced disappearances;
- b. Carrying out all necessary reforms to the state's institutions of the rule of law - notably the police, prosecution and judiciary - in order to ensure that effective investigations and prosecutions of alleged perpetrators of extra-judicial killings and other abuses become possible, and;
- c. Tackling impunity more effectively. It is vital for the military including its intelligence agencies, notably the intelligence agency - ISI, to be brought under effective civilian control and the purview of the law, in order to ensure that it respects all court orders and efforts to identify and prosecute any of its members thought to be responsible for human rights violations.

*About the ALRC: The Asian Legal Resource Centre is an independent regional non-governmental organisation holding general consultative status with the Economic and Social Council of the United Nations. It is the sister organisation of the Asian Human Rights Commission. The Hong Kong-based group seeks to strengthen and encourage positive action on legal and human rights issues at the local and national levels throughout Asia.*

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## **Pakistan - The fate of feminism**

New York Times (20.08.2014) [http://www.nytimes.com/2014/08/21/opinion/bina-shah-the-fate-of-feminism-in-pakistan.html?emc=edit\\_ee\\_20140821&nl=todaysheadlines&nid=36377513&r=0](http://www.nytimes.com/2014/08/21/opinion/bina-shah-the-fate-of-feminism-in-pakistan.html?emc=edit_ee_20140821&nl=todaysheadlines&nid=36377513&r=0)

- On Feb. 12, 1983, 200 women — activists and lawyers — marched to the Lahore High Court to petition against a law that would have made a man's testimony in court worth that of two women. The Pakistani dictator Gen. Muhammad Zia ul-Haq had already promulgated the infamous Hudood Ordinance, which reflected his extremist vision of Islam and Islamic law. Now, it was clear to many Pakistani women that the military regime was manipulating Islam to rob them of their rights.

General Zia's days are over, and parts of the Hudood laws pertaining to rape and adultery have been superseded by less objectionable clauses in [Pakistan's](#) Protection of Women Act of 2006. But Pakistani women have yet to achieve what Madiah Akhter, writing in The Feminist Wire, an online magazine, identifies as "political, cultural and economic equality for women and a place in the constant struggle to define their nation."

The reality of Pakistan's women continues to confound easy categorization. They have been going to school and university, holding down jobs and earning money for several generations now. Yet they still live with widespread gender-based violence, society's

acceptance of women as property, and a widespread belief that they don't deserve education, jobs or an existence outside the domestic sphere.

Neither Pakistan's laws nor its social codes nor its religious mores truly guarantee women a secure place as citizens equal to men; such attitudes are preserved by patriarchal tribal and cultural traditions, as well as the continued twisting of Islamic injunctions to suit the needs of misogynists. Could feminism be the best antidote to this male chauvinism ingrained in modern Pakistani society?

Feminism has been alive in Pakistan since the country was born. During partition of the British Indian Empire in 1947, a Women's Relief Committee, which oversaw refugee transfers between India and Pakistan, was founded by Fatima Jinnah, the sister of Muhammad Ali Jinnah, Pakistan's founding father. Then Begum Ra'ana Liaquat Ali, the wife of Pakistan's first prime minister, founded the All-Pakistan Women's Association in 1949; that organization worked for the moral, social and economic welfare of Pakistani women. Ms. Jinnah ran in the presidential elections in 1965 and was even supported by orthodox religious parties, but lost to the dictator then holding the office, Gen. Ayub Khan.

In the 1980s, the Women's Action Forum used activism to oppose General Zia's myopic vision of Islam; today, Pakistani feminist collectives continue to protest violence against women, raise awareness about women's education and political and legal rights, and lobby policy makers to enact women-friendly laws. The groundbreaking Repeal of Hudood Ordinance, the women's empowerment bill and anti-honor-killings bill were all moved in Parliament when Sherry Rehman, a former ambassador to the United States and a renowned feminist, held the portfolio of minister for women's development in the last decade. These and the anti-sexual-harassment bill were all eventually codified in Pakistani law over the next several years.

But many Pakistanis cling to the idea that feminism is not relevant to Pakistan — that it's the preserve of the rich and idle or, worse, that it's a Western imposition meant to wreak havoc on Pakistani society. Many Pakistani men and women believe that women's rights need go no further than improvements Islam brought to the status of women in tribal Arabia in the seventh century. Men in Pakistan are not yet ready to give up their male privilege, and many Pakistani women, not wanting to rock the boat, agree with them. The Pakistani historian Ayesha Jalal calls it the "convenience of subservience" when elite and upper-class women marginalize women's movements in order to maintain their own privilege.

The scholar Margot Badran has identified two threads of feminism in the Muslim world: 19th-century "secular feminism" and 20th-century "Islamic feminism." Islamic feminism, pioneered by scholars like Riffat Hassan, Amina Wadud, Asma Barlas and Fatema Mernissi, seeks to reclaim Islam from male interpretations by using passages in the Quran to combat institutional misogyny. Islamic feminism as practiced in Pakistan is accessible to the middle and upper middle classes, who enthusiastically attend Quran classes held in Urdu, where they analyze verses and learn about the rights that the religion affords them. It also inculcates solidarity with Muslim women around the world. But with its emphasis on academic learning, it can limit empowerment to educated women, marginalizing the unschooled and the poor.

Pakistani feminists like Shahnaz Rouse, a Sarah Lawrence College professor, and Farida Shaheed, a sociologist who heads the Shirkat Gah women's resource center in Pakistan, have done vital work in the field of Pakistani gender identity and class analysis, while Fouzia Saeed has been instrumental in raising the issue of sexual harassment. But their work, and that of other theorists and activists whose primary basis for feminism is not

Islam, is often dismissed as favored only by an English-speaking elite with little relevance to greater Pakistani society.

Yet secular feminism has a more democratic scope; its proponents agitate for the rights of all women in Pakistan, non-Muslim as well as Muslim. It links to other feminist movements worldwide, not just Islamic ones, and is more pluralistic. By appealing to secular nationalism as well as Islamic modernism, it is not restrained by the need to base all thought in Islamic scripture, although secular feminists also use this powerful tool when necessary.

A feminist movement can succeed only when it mirrors the makeup of the women and the society for whom it operates. Pakistan needs a feminism that elegantly marries both strands of feminism — secular and Islamic — because that's how Pakistan was formed: on both Islamic and secular principles.

The clinical psychologist Rubeena Kidwai said this about the status of women in Pakistan today: "Pakistani women are like bonsai trees, clipped and pruned and weighed down by the expectations of Pakistani society." And Pakistan's feminists are the only ones who can undo that destructive process, so that Pakistani women can flourish and grow to the heights of their human potential.

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## **Council of Islamic ideology endorses ruling on underage marriage**

Dawn (22.05.2014)

[http://www.dawn.com/news/1107849?utm\\_source=CM+in+the+News+-+Update+to+members&utm\\_campaign=8afeeeba09-Child+marriage+in+the+news+5+June+2014+6+5+2014&utm\\_medium=email&utm\\_term=0\\_c21d02558c-8afeeeba09-382382477](http://www.dawn.com/news/1107849?utm_source=CM+in+the+News+-+Update+to+members&utm_campaign=8afeeeba09-Child+marriage+in+the+news+5+June+2014+6+5+2014&utm_medium=email&utm_term=0_c21d02558c-8afeeeba09-382382477) - Amid criticism from various quarters, including some of its own members, the Council of Islamic Ideology (CII), on Wednesday endorsed its earlier ruling that girls as young as nine years old were eligible to be married, "if the signs of puberty are visible".

The CII meeting, chaired by Maulana Mohammad Khan Sheerani of the Jamiat Ulema-i-Islam-Fazl (JUI-F), also said that most of the clauses of the existing Muslim Marriage Law, 1961, were un-Islamic.

Talking to reporters after the conclusion of a two-day CII meeting, Sheerani criticised the Sindh Assembly, the media and 'some other segments of society' for not taking the council's decisions seriously.

On March 31, the Sindh Assembly passed a resolution demanding dissolution of the CII and on April 28, the Sindh Child Marriage Restraint Bill, 2013, was enacted, which stipulates strict penalties for all parties that compel underage individuals to enter into marriage.

"The primary responsibility of the council is the 'Islamisation' of the country's laws and those opposing our decisions need to reconsider their position," Sheerani said.

The CII chief said marriages that were solemnised at a time when both individuals were minors were only binding if they were arranged by the wali (father or grandfather) of the two individuals. In cases where marriages were solemnised by someone other than the wali, both individuals had the option to refuse or reconsider upon achieving adulthood.

Clarifying the decision, Sheerani said that a nikah could be performed at any age, but the bride could only start living with the groom after reaching puberty.

He said laws that defined a minimum age for marriage were not Islamic and should be repealed, adding that the council would recommend that parliament amend these laws to bring them in accordance with Islamic principles.

Sheerani also said that section 6 of the Muslim Marriage Law, 1961, which required men to seek permission from their wives before contracting another marriage – was not in accordance with Islamic principles.

The CII had taken up the issue in an earlier meeting held on March 11, 2014, and after detailed deliberations, the points under discussion were finally endorsed on Thursday.

These decisions came even as other council members voiced serious concerns. "Who wants to know when a young girl can be married or not," a CII member asked rhetorically. "Anybody who wants to marry a second or third time could manage to get permission. This is not an issue of public interest," he told Dawn on condition of anonymity.

Another member said some of the more serious issues pending before the council were ignored. "We have to discuss a code of conduct to end sectarianism, the Protection of Pakistan Ordinance, the conduct of the electronic media and so many other issues, but this marriage law business has been a waste of time," he said.

Under the Constitution, the CII chairman is the decision-making authority and he is entitled to overrule wishes of all members, if he so chooses. The CII's decisions are not binding on parliament, but are treated as the guiding principles around which policy is generally framed.

In the same meeting, the council called for a complete ban on the sale of alcoholic beverages in the country. "Since alcohol is prohibited even by other religions, it should be banned for other religious minorities too," Sheerani said.

On Wednesday, CII also unanimously approved a resolution presented by Maulana Tahir Ashrafi, calling upon the judiciary to look into family law matters as per the dictates of the religious beliefs of both parties.

### ***Civil society condemns***

The CII diktat drew the ire of civil society and human rights activists.

"Women and children are the most vulnerable groups in the country – if such legal cover as a minimum age prohibiting child marriages are done away with, then exploitation of women and children will increase," Human Rights Commission of Pakistan Chairperson Zohra Yousuf told Dawn.

The head of the National Commission on the Status of Women (NCSW) was of the view that the Muslim Marriage Law had been successful and that it needed to be implemented in the true sense, instead of being quashed.

"The law was formulated after two years of research and deliberation by the scholars of all sects – so if any cleric wants to change the law, he is essentially challenging the wisdom of these ulema," said NCSW Chairperson Khawar Mumtaz.

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## **Pakistan's slow but steady progress on ending child marriage**

***Law passed in Sindh province shows that despite religious opposition, steps taken to outlaw child marriage are taking effect***

By Mohammad Zia-ur-Rahman

The Guardian (02.06.2014)

<http://www.theguardian.com/global-development/2014/jun/02/pakistan-progress-ending-child-marriage> - The Council of Islamic Ideology (CII), one of Pakistan's most influential religious and constitutional bodies, has announced that girls are ready for marriage the moment they reach puberty.

This is not the first time the CII has condoned child marriage. In April, it ruled that banning such unions was anti-Islamic. While the ruling does not have any bearing on policymaking, it could have a major influence on local religious leaders nationwide.

But the CII's controversial statements should not detract from the progress made on addressing child marriage in Pakistan. In fact, a new law that prevents under-18s, irrespective of gender, from getting married was passed unanimously by the provincial assembly in Sindh, raising hopes for the future for girls like Mehwish. The law also punishes those who facilitate, contract or perform such marriages with up to three years in jail and a fine of 45,000 rupees (£455).

Sindh has the highest rate of child marriage of any province in Pakistan. That such a law could pass in this region sets it out as a landmark piece of legislation. If the law is implemented in letter and spirit it will help to ensure girls' rights to stay in school and marry later. It will help to secure their right to choose.

It is also my hope that the law will act as a deterrent against the customary practice known as *vani* or *swara*, where girls are given in marriage to compensate for the crimes of a male member of their family. The law also counters the religious misinterpretations that promote early marriage, as the CII recently put forward.

We want to see similar action across Pakistan. A bill has been introduced in the national assembly to strengthen punishment against perpetrators of child marriage but has met with opposition from religious parties. We may yet see change in Punjab, however, where a bill that raises the legal age of marriage and toughens sanctions is under discussion.

Nationally there are glimmers of progress too. At the open working group on the sustainable development goals, a major intergovernmental process that will help shape the next set of international development goals, Pakistan proposed to end child, early and forced marriage by 2030. It is an ambitious vision, but it will not become a reality unless commitments turn into action.

Take the example of Mehwish, who was just eight when she got married. A primary school pupil from a small town in Punjab, central Pakistan, she had no understanding of the meaning of such things. She was taken out of school shortly after her wedding day.

But Mehwish was determined to get an education. After years of pleading with her husband to let her enrol again, she was finally allowed to return to the classroom – or so

she thought. The education authorities would not let her back in: married girls, they said, would ruin the environment for the other students.

Mehwish's story is not uncommon. In Pakistan, one in four girls is married before her 18th birthday, forced into adulthood while she is still a child. Early marriage often spells an abrupt end to a girl's education too.

Every child needs to know the impact of early marriage and their right to say no. We need a national awareness campaign to make sure that families are aware that such unions are illegal. The Child Marriage Restraint Act states that no individual under 16 should be wed, but many families in rural areas are unaware of this fact.

Families do not always understand the significance of having a national ID card and they often lack access to local government services to register their children at birth. The absence of such crucial information makes it difficult to verify the age of the bride and groom on their wedding day.

Preventing child marriage is virtually impossible without a fully functional birth registration system and systematic age checks before marriage ceremonies. This requires Pakistan to invest in developing a local government network that is operational and fully equipped to provide critically needed services across the country.

We also need to ensure that every child has access to education. When girls have safe, quality and accessible schooling, their parents are more likely to choose education over marriage. And the benefits are clear: just one extra year of secondary schooling alone boosts girls' earning potential by 15-25%, helping to break the cycle of poverty. And when mothers have at least seven years of education, their children are less likely to die before their first birthday (pdf).

The future for girls in Pakistan can be bright if the government backs up its recent outspokenness on ending child marriage with action. We need strong laws that make marriage before 18 illegal and a comprehensive plan to make this a reality. Anything short of this will simply be lip service.

*Mohammad Zia-ur-Rahman is the founder and chief executive of the Awaz Foundation Pakistan, a partner of Girls Not Brides, a global partnership to end child marriage*

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## **Pregnant Pakistani woman stoned to death by her family**

By K.M. Chaudhry and Zaheer Babar

AP (27.05.2014) - A pregnant woman was stoned to death by her own family in front of a Pakistani high court on Tuesday for marrying the man she loved.

Nearly 20 members of the woman's family, including her father and brothers, attacked her and her husband with batons and bricks in broad daylight before a crowd of onlookers in front of the high court of Lahore, police investigator Rana Mujahid said.

Hundreds of women are murdered every year in Muslim-majority Pakistan in so-called "honor killings" carried out by husbands or relatives as a punishment for alleged adultery or other illicit sexual behavior, but public stoning is extremely rare.

Mujahid said the woman's father has been arrested for murder and that police were working to apprehend all those who participated in the "heinous crime."

Another police officer, Naseem Butt, identified the slain woman as Farzana Parveen, 25, and said she had married Mohammad Iqbal against her family's wishes after being engaged to him for years.

Her father, Mohammad Azeem, had filed an abduction case against Iqbal, which the couple was contesting, her lawyer Mustafa Kharal said. He confirmed that she was three months' pregnant.

Arranged marriages are the norm among conservative Pakistanis, who view marriage for love as a transgression.

The Human Rights Commission of Pakistan, a private group, said in a report last month that some 869 women were murdered in honor killings in 2013.

But even Pakistanis who have tracked violence against women expressed shock at the brutal and public nature of Tuesday's slaying.

"I have not heard of any such case in which a woman was stoned to death, and the most shameful and worrying thing is that this woman was killed in front of a court," said Zia Awan, a prominent lawyer and human rights activist.

He said Pakistanis who commit violence against women are often acquitted or handed light sentences because of poor police work and faulty prosecutions.

"Either the family does not pursue such cases or police don't properly investigate. As a result, the courts either award light sentences to the attackers, or they are acquitted," he said.

Parveen's relatives had waited outside the court, which is located on a main downtown thoroughfare. As the couple walked up to the main gate, the family members fired shots in the air and tried to snatch her from Iqbal, her lawyer said.

When she resisted, her father, brothers and other relatives started beating her, eventually pelting her with bricks from a nearby construction site, Iqbal said.

Iqbal, 45, said he started seeing Parveen after the death of his first wife, with whom he had five children.

"We were in love," he told The Associated Press. He alleged that the woman's family wanted to fleece money from him before marrying her off.

"I simply took her to court and registered a marriage," infuriating the family, he said.

Parveen's father surrendered after the incident and called the murder an "honor killing," Butt said.

"I killed my daughter as she had insulted all of our family by marrying a man without our consent, and I have no regret over it," Mujahid, the police investigator, quoted the father as saying.

Mujahid said the woman's body had been handed over to her husband for burial.

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## **Pakistan police charge 68 Pakistani lawyers with blasphemy**

BBC (13.05.2014) / <http://www.bbc.com/news/world-asia-27391334> - Pakistani police have charged 68 lawyers with blasphemy in what is thought to be the biggest ever case of its kind in the country.

The charges were brought in Punjab after lawyers protested when police detained one of their colleagues.

During the protest the lawyers are accused of insulting a companion of the Prophet Muhammad. Police say they acted after a local man complained.

Critics say blasphemy laws are often misused to settle scores in Pakistan.

The case in Punjab's Jhang district was registered against eight named lawyers and 60 unidentified ones.

The lawyers had been campaigning for the arrest of five policemen they accused of illegally detaining and manhandling a lawyer in the city of Jhang last week.

A complainant told the police his feelings had been hurt when some lawyers ridiculed a police officer who shares his name with the second Caliph, Omar.

The most serious blasphemy charges can carry the death penalty in Pakistan. But in this case the defendants face at most three years in jail if the case comes to trial and they are convicted, the BBC's M Ilyas Khan in Islamabad reports.

Many believe the case is an example of how easily the blasphemy laws can be misused, he says. They say the case is the result of a feud between police and the legal fraternity. No arrests have been made.

The investigating officer in the case, Inspector Ashiq Hussain, told the BBC that since the entire legal community of Jhang city had become involved, efforts were being made "to resolve the matter, and it may not lead to arrests".

Even so, those named in the case, some of them Shia, may not now feel safe in the future in a country with a history of sectarian violence, our correspondent adds.

Allegations of blasphemy against Islam are taken very seriously in Pakistan. Correspondents say members of minority groups are often unfairly targeted.

Last week a lawyer representing a man charged with blasphemy in Multan, in Punjab, was shot dead by gunmen.

### ***Pakistan's blasphemy laws***

- After partition in 1947 Pakistan inherited offences relating to religion which were first codified by India's British rulers in 1860
- In the 1980s clauses were added to the laws by the military government of General Zia-ul Haq
- One clause recommends life imprisonment for "wilful" desecration of the Koran, another says blasphemy is punishable by death or life imprisonment

- Muslims constitute a majority of those booked under these laws, followed by the minority Ahmadi community
- A majority support the idea that blasphemers should be punished, but there is little understanding of what religious scripture says as opposed to how the modern law is codified

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## **Girl buried alive for marrying her own choice - Order of Tribal Court**

AHRC (21.03.2014) - The Asian Human Rights Commission (AHRC) has received information that a 17-year-old girl was buried alive for marrying by her own choice with a three wheeler driver. She was buried alive on the instructions of a Jirga, an illegal court run by tribal chiefs. She was buried in a Hindu graveyard and not in a Muslim graveyard as it was felt she had betrayed Islam. The local police have not registered a case of murder against the perpetrators but instead deputed the security guards on the grave so that people cannot visit.

The parents of the girl are involved in arranging the murder of their daughter and he was trying to get Diyat (the blood money) from tribal elders.

### ***Case narrative***

Sughra Brohi, aged 17 years, a resident of Jhol, Sanghar district married Muhammad Ali Khaskheli, a resident of Badin district, three months ago of her own choice and shifted to Badin with her in-laws. The boy, Ali Khaskheli, was a three wheeler driver and went to Mirpurkhas city from Badin, his ancestor's village to get employment. He was running his eight seater three wheeler for the pick and drop of school students. During that time they fell in love with each other and decided to marry in Badin city. This was out of fear that the tribe and the parents of the girl will not tolerate the marriage and kill them in the name of an honour killing.

After learning about their marriage the elders of Brohi tribe were not happy and regarded it as usurping the pride of the caste by marrying with Khaskheli caste. Some three weeks ago the tribal elders pursued the parents of the girl and asked them to bring their daughter back and she would not be punished. Later on, she was forced to return by her family with the assurance on the Quran, the holiest book of Muslims, that she would not be harmed. After her return a Jirga, an illegal court, was held which was presided over by her uncle, Nazar Muhammad Brohi, which decided to punish her by burying her alive.

The elders and her father decided that she did not deserve a burial in a Muslim graveyard and according to a newspaper, the Kawish, they dug a hole in Bheel's graveyard of the Hindu religion near Jhol police station in village Hakim Mari, near Sanjhoru and in midnight buried her alive in village Hakim Khan Marri, Taluka Sanjhoru, district Sanghar. Her cries did not stop the elders, her father and uncles from this heinous act.

Even after 15 days the police did not take the action as they thought the action was justified according to tribal norms and Islamic teachings.

The father of the girl approached the police and filed a First Information Report in Jhol police station, district Sanghar, for the murder of his daughter when he could not bargain with the tribal elders for blood money (Diyat).

The whereabouts of the boy is still not known and it is feared that he might have been killed.

### ***Additional information***

The honour killing of girls are very common in the rural areas of the Sindh province where the feudal social system is very much entrenched. The main reason for the honour killing is to deny the women and their husband their share from the properties. Though there is a law through which has declared honour killings as intentional murder but because of the poor rule of law and patriarchal attitude of the administration and government functionaries the menace of honour killings continued unabated.

In the Sindh province and southern part of Punjab province every year more than 300 men and women are killed in the name of honour. The state has also failed to stop the jirga as it serves the purpose of the state in the name of "instant justice" and not put the burden on the courts.

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## **Malala Yousafzai wins EU's Sakharov human rights prize**

BBC News (10.10.2013) - Pakistani schoolgirl and campaigner Malala Yousafzai, who was shot in the head by the Taliban, has won the EU's Sakharov human rights prize.

The 16-year-old activist was shot a year ago for campaigning for better rights for girls.

The Sakharov Prize for free speech is awarded by the European Parliament annually in memory of Soviet physicist and dissident Andrei Sakharov.

US whistleblower Edward Snowden had been a contender for the prize.

The 50,000 euro (\$65,000) prize is considered Europe's top human rights award.

Malala rose to prominence in 2009 after writing a blog anonymously for the BBC Urdu service about her life under Taliban rule and the lack of education for girls.

She lived in Pakistan's mountainous Swat Valley and her name became internationally known after the Pakistan army pushed the Taliban out of the area in 2009.

The Taliban's Islamist doctrine puts harsh restrictions on women's rights and one of the militants shot her as she was riding in a bus with school friends.

"Today, we decided to let the world know that our hope for a better future stands in young people like Malala Yousafzai," said the head of the conservative European People's Party (EPP), Joseph Daul.

Malala received a standing ovation in July this year for an address to the United Nations General Assembly, in which she vowed she would never be silenced.

[MEPs in Strasbourg said Malala was "incredibly brave"](#) to continue promoting the rights of children. Her new home is in Birmingham, in the UK.

She joins a distinguished list of winners of the Sakharov Prize which includes South Africa's Nelson Mandela and Aung San Suu Kyi in Burma, also known as Myanmar. The award will be officially presented at a ceremony in Strasbourg in November.

Three jailed Belarusian dissidents were also on the shortlist for the prize this year, along with Edward Snowden, who leaked thousands of documents detailing US National Security Agency (NSA) surveillance activities worldwide.

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## **The government must abolish the death penalty and amend the Constitution accordingly**

Asian Human Rights Commission (08.10.2013) - On October 3, the Government of Pakistan made a move towards respecting human rights and announced its decision to renew the moratorium on the death penalty. This decision came in response to a great deal of international pressure from NGOs and media outlets calling on Pakistan to respect the right to life. The moratorium had been in place since 2008 when the Pakistan People's Party (PPP) took office, and expired on June 30, 2013. In an attempt to crackdown on criminal activity and terrorism, the new leadership under the Pakistan Muslim League-N (PML-N) was set to begin executions in August of this year.

For the time being, the decision to reinstate the moratorium saves the lives of over 8,000 inmates currently on death row. This indicates a positive step by the government to make recognizable changes in regard to protecting human rights.

The death penalty is often the result of the absence of fair trial an issue that continues to plague Pakistan. Pakistan cannot even minimally guarantee the right to fair trial and due process as prescribed under Article 10A of the Constitution of Pakistan and Article 14 of the International Covenant on Civil and Political Rights. Even within most countries widely believed to have a fair trial process, the death penalty has been abolished in light of the possibility that innocent people could be put to death. It is dangerous to allow the death penalty to continue under a judicial system that cannot guarantee its people a fair and impartial trial.

Corruption and bribery still play a significant role in Pakistan and all too often the wealthy are able to buy their way out of trouble while the poor, often innocent of the charges they face, are left to their fate. Pakistan continues to fail to meet the basic requirements of guaranteeing an impartial trial, adequate legal representation, and independence of the judiciary from outside influence, including pressure from the government itself.

The Qisas and Diyat Ordinance, which allows for families of victims to accept 'blood money', further muddles the judicial process as criminals with money are able to pay their way out of crimes such as murder.

In Pakistan, with a shaky and often corrupt trial process, there are 27 crimes that can qualify one for a life sentence; many of these are excessive and beyond the acceptable threshold for capital punishment. The definitions of these crimes are also vague and leave room for interpretation.

The Peoples' Party (PPP) has called on the new government to review the list of crimes punishable by death which include blasphemy, sex outside of marriage, smuggling of drugs, and sabotage of the railway system. These crimes extend far beyond the scope of 'most serious crimes' under which the death penalty can be awarded according to ICCPR Article 6(2).

To cement its commitment to respecting the lives of its citizens and to keep in step with international human rights norms, Pakistan must draft formal legislation abolishing the death penalty in all cases. In 2008, the government made an attempt to do this, but settled for a moratorium due to political opposition to the move.

A temporary stay of the death penalty is a laudable step but not enough to fortify Pakistan's position as an advocate and supporter of international human rights.

Should Pakistan resume executions which are usually carried out by hanging, it will face serious economic repercussions, especially in regards to free trade agreements with the EU under the Generalized Scheme of Preferences, which allows developing economies access to European markets tariff-free. GSP is only granted to countries that ratify and implement international human rights and labour standards, among others. It is not given to any country that continues to allow the death penalty.

The Asian Human Rights Commission urges Pakistan to abolish the death sentence and amend the Constitution according to international norms and standards under Article 6 of the UN ICCPR which recognises the individual's "inherent right to life" and requires it to be protected by law.

The government must also commute its current death sentence cases to sentences of life imprisonment. It is degrading for current death-row prisoners to continually face uncertainty regarding their fate. The death penalty directly contradicts the second protocol of the ICCPR and violates the Right to Life as prescribed in the Universal Declaration of Human Rights. Killing prisoners will only serve to perpetuate violence and increases the risk of retaliation by militant groups and religious fundamentalists.

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## **The AHRC welcomes the stay on executions**

AHRC (20.08.2013) - The Asian Human Rights Commission welcomes the postponement of the scheduled executions of condemned prisoners in Pakistan which were to take place from August 20, 2013.

A temporary stay on the hangings was announced on Sunday, August 18 in response to protests from outgoing President Asif Ali Zardari and various international human rights organizations. This stay is set to last until Zardari returns to Pakistan and can discuss the matter with incoming Prime Minister Nawaz Sharif. Relative to this meeting, the Pakistani Taliban threatened retaliation should any of their members be executed.

In an alleged effort to curb crime and terrorism, the newly elected government of Pakistan Muslim League-N reiterated their refusal to renew the moratorium. They are especially concerned about the crime-ridden urban centers such as Karachi and conflict areas along the Northern border with Afghanistan. It seems that regional terrorism is merely a way for the Pakistani government to maintain control over domestic politics and policies. Control over killing people, be they convicts or innocent persons, demonstrates their hold on terrorism but which in reality they have little power to control and too often to condone.

Asian Human Rights Commission welcomes the courageous decision of President Asif Ali Zardari in taking the bold step in refusing to allow the scheduled executions to go through.

President Asif Ali Zardari's decision provides Pakistan with yet another opportunity to show concern in taking up the question of abuse of Human Rights in the country. Furthermore, the AHRC hopes that the Government of Pakistan will give serious thought

to two vital questions. These questions are; lifting the moratorium on death penalties and due consideration for the international and domestic protests from Human Rights Organizations and Activists.

Since independence, Pakistan has increasingly incorporated Shariah law (fundamentalist Islamic law) into its common law system. It has increased the scope of crimes for which one can be put to death, including blasphemy against Islam. Would it not be better for the country as a whole, that Pakistan's new government focus on the rampant impunity afforded Islamic terrorists?

In its interventions the Asian Human Rights Commission (AHRC) reported on 'the saga of the prisoners waiting in death row'. The number of death row inmates increased from 5447 in 2005 to 8300 today, prison capacity has not been increased to hold them, leaving them to subsist in inhuman and inadequate living conditions.

The Pakistani government has high hopes to put a stop to criminal activity, especially acts of terrorism. Many of the actors in this situation come from believers of a radical sect of Islam that promotes the idea that by being a suicide bomber, one can reach salvation. So, the mere threat of a death penalty would not be a deterrent for radical followers of such a devout, if mis-guided faith.

It is vital that the international community and the United Nations work together to put pressure on the Pakistani government to formally abolish the death penalty. Questions have emerged concerning the legitimacy of the judicial system that has been handing out these death sentences.

AHRC would like to place on record its concern about the Government of Pakistan's refusal to sign and ratify the two optional protocols to the International Covenant on Civil and Political Rights (ICCPR.) AHRC would also recommend to the Government of Pakistan to strictly abide by international standards on the death penalty.

In summation, the AHRC urges the Pakistani government to:

Protect Pakistani citizens' right to life by re-implementing the moratorium on all pending death penalty cases in both civilian and military courts.

Formally abolish the death penalty for all crimes under the Pakistan Penal Code (PPC).

Respect the rights of prisoners by correcting the overcrowding and poor conditions within the prison system.

Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights regarding capital punishment.

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## **Malala's Pakistan by the numbers**

***Nine months after schoolgirl and education advocate Malala Yousafzai was shot by a Taliban gunman, the state of girls' education in her country remains dismal***

Daily Beast (14.07.2013) - On October 15, when a gunman took aim at 15-year-old Malala Yousafzai on a schoolbus in Pakistan's Swat valley, he unwittingly brought the world's attention to the plight of women and girls striving for an education under constant Taliban threat. On Friday, during [a speech](#) to the United Nations, Malala reaffirmed her mission to pursue gender equality, saying she's just "one girl among

many." Meanwhile, back in her native Pakistan, the fight goes on. A look at some of the telling facts and figures about girls' education in the region and what Malala is striving to change:

**2:** The [ranking](#) of Pakistan on the list of countries with the most out-of-school children, with around 5.4 million primary school age children lacking access to education.

**7:** how many times more that Pakistan invests in military spending than in primary schooling. This coming fiscal year, Pakistan has [increased](#) its defense budget by 15 percent, to \$6.4 billion, while education spending has decreased from 2.6-to 2.3-percent of GNP over the past decade. Only [seven](#) other developing countries in the world spend less than Pakistan does on education.

**50:** percent of rural females who have never been to school. The [disparity](#) in Pakistan's education system reflects not just gender, but class lines. Along with this figure, the number of teens who make it to high school is twice as high in urban areas than in the rural regions.

**33:** percent of primary schools that cater to girls. In Pakistan, of the 154,000 primary schools, a mere [51,000](#) are girls' schools. And as the schools get further away from a girl's home, the less useful they become: female enrollment is shown to drop 20 percent with each half-kilometer increase in the distance to get to school.

**75:** percent of primary school-age girls not in school. There are many factors contributing to why girls are kept from an education, with poverty and fear of attack playing central roles in keeping them out of school. "Females in Pakistan face discrimination, exploitation and abuse at many levels, starting with girls who are prevented from exercising their basic rights to education either because of traditional family practices, economic necessity, or as a consequence of the destruction of schools by militants," a joint report by the United Nations and Pakistani government [found](#) in December.

**30:** the number of students who enrolled in a remote all-girls school after Malala was shot. In a [conservative community](#) in northern Pakistan, Malala's shooting scared parents into keeping their daughters home. For a month the primary school stayed empty, but after advocacy by teachers and aid workers, parents reversed course and the Malala effect was sparked-enrollment jumped by an extra 30 girls.

**75:** percent attendance drop in a girls' school near the Afghan border after the Taliban [bombed it](#) in December. A pile of rubble was all that was left of the building in a volatile region, two months after Malala's attack. The teacher resumed classes in her back garden, but the fearful girls and their families have stayed away.

**800:** schools in Malala's region of northwestern Pakistan's tribal belt that have been [attacked](#) by Taliban militants since 2009. The mountainous tribal area of Mohmand near the Afghan border has been hit 100 times alone.

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## **International Day to End Impunity-- Impunity against media rises to unacceptable levels**

Asian Human Rights Commission (28.11.2012) - Eighty eight journalists have been killed in Pakistan during last decade out of which 36 were shot dead in target killing. In 2012, ten journalists including one TV channel driver were killed in three provinces, Balochistan, Sindh and Khyber Pakhtunkhwa of the country as impunity against Pakistani media rises

to unacceptable levels. According to the figures compiled by the Rural Media Network Pakistan (RMNP) twenty six journalists have been killed in Balochistan province during last five years which Khuzdar district had been declared as one of the dangerous place for working journalist by the Reporters without Borders (RSF). Up to November 18, this year four journalists were shot dead in Balochistan province.

The biggest challenge apart from direct threat to the life of journalists in Pakistan is a culture of impunity. The killers of not a single of the 88 journalists killed in Pakistan excluding US journalist Daniel Pearl have been arrested, tried and convicted. This promoted impunity and allowed anyone to threaten and target journalists because they know they can get away with murder. Journalists often complain about receiving threats, including from the country's intelligence agencies which can lead to violent attacks against them. Investigations, when commissioned, tend to lack credibility and recent case of GEO TV channel reporter Wali Khan Baber who was shot dead in Karachi in January, 2011, saw the murder of all six witnesses who were willing to testify against the five dependants.

The areas bordering Afghanistan-FATA Khyber Pakhtunkhwa and Balochistan are the most dangerous areas for journalists. Journalists hailing from Balochistan province face violence and threats from ethnic, sectarian and separatist groups as well as from security forces and intelligence agencies. Tribal leaders, militants, district administrations, political agents and security agencies ask journalists in FATA, Balochistan and Khyber Pakhtunkhwa to get clearance from them before filing their news to both print and electronic media.

Situation in the country's biggest Punjab province is not even better where a young female journalist Seemab bibi committed suicide by jumping from the fourth storey of a hotel in provincial capital Lahore on August 15 this year over nonpayment of her several months salary while many anchorpersons and senior journalists were threatened by law enforcement and intelligence agencies. Similarly in small towns a large number of journalists were detained, injured, threatened and implicated in false cases on their reporting.

South Punjab, a home of 50 million people is in the grip of religious extremism and sectarian violence now days. Law enforcement agencies have arrested dangerous terrorists from various areas of South Punjab who are activists of banned religious organizations including their mastermind a PHD degree holder. Suicide jackets, hand grenades, mine, and explosive material in heavy quantity was also recovered from an area seven kilometers away where RMNP is based. This situation demands strict safety precautions from media men. They put their life in danger to cover different assignments. Religious extremism is spreading in different parts of the country. There are many sectarian organizations fighting for domination. Former Bahawalpur province is a part of South Punjab where militants have strong base. Religious extremists force journalists to cover their speeches and pressurize them to publish their news word by word. Recently a man was burnt alive in Chanigoth town of Bahawalpur province where TV channels reporters received threatening messages from extremists on cell phones. Rural journalists in various parts of former Bahawalpur province and feudal dominated areas of South Punjab face three major problems and put their life in danger while they report on sectarian extremism, honor killings and corruption of feudals and government functionaries.

The security of the media persons remained a big question during the eleven months of 2012, and no proper steps have been taken to provide security by the authorities and even by the media houses. The attitude of media houses was more indifferent towards the safety and security of journalists as compare with the authorities. The journalists who are involved in their professional duties in the conflict areas are more vulnerable and exposed before the law enforcement agencies, militant groups and other non state

actors. The majority of the journalists are under paid or allowed only to use ID cards of the channels they work for and have to arrange their own earnings.

Article 19 of the constitution of Pakistan guarantees that every citizen shall have the right to freedom of speech and expression, and there shall be freedom of press. RMNP urges the authorities to stop the impunity to the perpetrators who are involved in killings, abduction and disappearances of the journalists, attacks on journalists and media houses. The non committal and indifferent attitude of federal and provincial governments towards the killings of journalists has provided encouragement to the powerful groups to unleash against the journalists to suppress the freedom of expression and freedom of media. The killings of journalists and continuous attacks on them shows that policy of the civilian government towards the freedom of media and expression is no more different from the military rule and it may be called as extension of the policy of military dictators.

#### Journalists Killed during 2012 in Pakistan

- |     |                   |                                   |
|-----|-------------------|-----------------------------------|
| 1-  | 18 November 2012  | RehmatAllah Abid                  |
| 2-  | 3 October 2012    | Musthaq Khand                     |
| 3-  | 29 September 2012 | Abdul Haq Baloch                  |
| 4-  | 21 September 2012 | Aamir Liaquat (TV Channel Driver) |
| 5-  | 28 May 2012       | Abdul Qadir Hijazi                |
| 6-  | 19 May 2012       | Abdul Razzak Gul                  |
| 7-  | 10 May 2012       | Aurangzeb Tunio                   |
| 8-  | 8 May 2012        | Tariq Kamal                       |
| 9-  | 19 April 2012     | Murtaza Razvi                     |
| 10- | 17 January 2012   | Mukarram Khan Atif                |

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## **A person was hanged after the government went back on its pledge to abolish the death penalty**

Asian commission on human rights (15.11.2012) - Just weeks after the speech of the Foreign Minister at the UN Human Rights Council in which she explained that the government had placed a moratorium on death sentences since 2008, a condemn man was this morning executed by hanging. Mr. Hussain was an army soldier who was sentenced to death in 2009 for murdering one of his colleagues.

A jail official, Abdullah Khan Niazi, told the media that authorities hanged Mohammed Hussain early on Thursday morning, November 15, in Mianwali city in central Punjab province. Niazi said that the president and the head of the army, Gen. Ashfaq Parvez Kayani, had rejected Hussain's mercy petition. With regard to military prisoners the correct procedure is that the appeal for mercy is be sent to the Chief of Army Staff, that officer then decides to allow it or reject it. In this case General Kayani chose to reject the appeal and forwarded it to the President who has the final say. Although the president is indeed the final authority in the matter of death sentences but the fact that this case came from the Chief of Army Staff the president obviously felt that he was under obligation to concede to his wishes.

Regrettably this is further proof that the government of Pakistan cowers before the army and is not prepared to respect its own pledges made before the international community. On several occasions Pakistan has said that it will abolish the death sentence, converting it to life imprisonment. In fact, in 2010 Pakistan ratified the International Covenant on Civil and Political Rights Article 6 (1) of which states: *Every human being has the inherent right to life. This right shall be protected by law.....*

Also, it is no secret that the right wing parties and Muslim extremists are firmly and vociferously against the abolition of the death penalty. Could this execution be yet another offering by the government in its policy of appeasement to the extremist elements?

The execution of Mohammed Hussain is a blatant violation of the right to life by a country that has pledged before the United Nations its intention to halt executions. There are more than 8000 persons on death row in the country and they are looking to the government to take positive action on its pledge to abolish the death sentence.

The Asian Human Rights Commission condemns the execution of Mohammed Hussain and calls on Pakistan to honour its pledges to the international community. In fact, Pakistan has commuted the death penalty before. Former Prime Minister Zulfiqar Ali Bhutto and founder of the current ruling party, the Pakistan People's Party, commuted the death sentence to life imprisonment but ironically he himself was later hung by the military. His daughter and former Prime Minister, Benazir Bhutto also pledged several times to abolish the death sentence.

The country's parliamentary bodies, the national assembly and senate, in April, 2010 approved the 18th Amendment to the Constitution deleting the majority of the amendments made by past military rulers. However, the parliament did not touch on the amendment made to the constitution by General Zia Ulhaq comprising the death penalty. In the 1970s, the government led by the late Zulfikar Ali Bhutto raised the minimum term of a life sentence from 14 to 25 years with the idea that capital punishment would be abolished in the years to come. However, this did not materialize and General Zia, the country's military ruler from 1977 to 1988, kept both the death penalty and the increased life sentence intact through an ordinance which was later incorporated in the Constitution. Mr. Bhutto was later hanged in 1979. Former President Musharraf did nothing to alter either the death sentence or the minimum term.

The federal cabinet decided on July 2, 2008 to commute the death sentence. However, Mr. Asif Ali Zardari, President of Pakistan has also announced that death sentences will be commuted in his first press conference after taking the presidential oath. The prime minister also announced on June 21, 2008, that death sentences will be commuted to life imprisonment but failed to issue the notification.

The AHRC urges the government of Pakistan to commute all death sentences to life imprisonment and abolish the death penalty, military or civilian, without delay. The country must live up to the pledges it has made since in 2008. Pakistan must also ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, bringing domestic legislation into line with its international obligations and ensuring the full implementation of this legislation.

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## **Extra judicial killings in Balochistan - 25 journalists, writers, human rights defenders, students and activists were killed during the first four months of this year**

***24 activists were among those who were extra judicially killed after their abduction by uniformed and plain clothe persons***

Asian Human Rights Commission (03.05.2011) / HRWF (03.05.2011) - <http://www.hrwf.net> - The extra judicial killings of the journalists, writers, human rights defenders, students and activists continue in the Balochistan area where law enforcement

responsibilities were handed over to the Frontier Cop (FC) and the state intelligence agencies. During the first four months of the year 2011, as many 25 journalists, writers, human rights defenders, students, and nationalists and political activists were killed extra judicially.

In the latest extra judicial killing, one prominent human rights defender and journalist, Mr. Siddique Eido and his friend, Mr. Yousaf Nazar Baloch, who were arrested by the FC and police on December 21, 2010, his and his friend's mutilated body was found on April 28 at Makran coastal highway near Ormara, Balochistan province. On the day of his abduction, Eido went to the District and Session court of Gwader, port city of the province, and was returning back to his home in sub-district Pasni, Gwader in the security of five policemen, including one Assistant Sub Inspector (ASI) and four police constables. As they reached the check post of FC in Karwat area on coastal highway, he was stopped by the officials of the FC and he with his friend, Mr. Yousuf Langove, were dragged into a van. The policemen tried to protect them but were severely beaten by the Frontier Cops and kept in custody for some hours. In the meanwhile, Eido and his friend were sent to an unknown location.

It is ironic that after the formation of the civil government the Para-Military forces and state intelligence agencies are operating in Balochistan in the same fashion as they were doing during the military rule of General Musharraf by abducting the activists, keeping them in unknown places for many months and then throwing their bullet mutilated bodies on the road. But a new phase has been started since the recent months in that activists were abducted from the open places or from their houses and then their whereabouts were not known. But after some days of their abduction their bullet riddled and torture marked bodies are found. The common thing in the extra judicial killings is the mark of bullets on the foreheads of the victims besides marks on the other parts of the body.

During the hearing the three member bench of the Supreme Court, the family members of the disappeared persons said that when ever anybody is found on the road side in anywhere in Balochistan, the largest province of the country, they rush to see whether the body is of their loved ones who has been missing after his arrest or abduction. They said they want to know whether their missing persons are alive or dead.

According to the available information, the AHRC has found that during the first four months of the year 2011, about 25 activists including human rights defenders, journalists, students, writers, workers from nationalists and political parties were extra judicially killed and out of this figure 24 activists were those who were arrested or abducted by the law enforcement agencies particularly from the Frontier Corp (FC) and intelligence agencies and most of them were even abducted in the presence of police. The only one human rights defender, Mr. Naeem Sabir Baloch, the district coordinator of Human Right Commission of Pakistan, was killed outside his house by unknown persons. He was the activist from the Balochistan who was assisting in compiling the list of the missing persons in the Supreme Court of Pakistan and High court of Balochistan province

According to the list following are the activists who were extra judicially killed during the months from January 2011 to 28 April;

Mr. Hameed Shaheen, student, his bullet riddled body was found on March 22, 2011 from Saddar Karez area of Quetta. On 20 March 2011, he was abducted by the security personnel in both uniform and plain clothes stopped the bus near Sona Khan Police Station Quetta when he was on the way to Karachi for his medical check-up by bus. Since then his whereabouts were not known.

Fareed Baloch, son of Haleem Ahmed Baloch, a student, was abducted on February 2011 allegedly by personnel of state agencies. He was student of Balochistan University of Engineering and Technology Khuzdar and Zonal president of the Baloch Students Organization (BSO Azad). On 27 March his bullet riddled body was found at Ferozabad nullah of Khuzdar District some 360 km away from Quetta of Balochistan province. There were also marks of torture on his body. Mr. Fareed Ahmed Baloch, was abducted from outside the check post of Frontier Corps (FC) at Sariab road, Quetta, capital of the province, on February 9 after 6 pm when he was travelling with his cousin in a three wheeler. He was stopped at the check point by the FC persons along with some persons who were in plain clothes and taken away in a jeep bearing no registration number. His cousin, Mr. Changez Gichki was beaten at the post when he tried to intervene and his cell phone was also snatched along with his wallet.

Mr. Saleh Muhammad, son of Nuroz Khan, the activist of Baloch Nationalist Movement (BNM) was abducted from a passenger van by plain cloth persons in Bariyat area of Awaran district, Balochistan, on 27 March his bullet riddled body was found in a mountainous area of Awaran.

Arif Noor, son of Noor Muhammad Baloch, a public officer at Gwadar Development Authority (GDA), was abducted on 31 October 2010 in the presence of his mother, sister and other family members by the Karachi police and intelligence agencies from his residence in Karachi of Sindh province, he was an employed as a 16 grade officer in. He suffered an accident and after that he came to his home in Jaffer Aziz apartment Garden East Karachi where his parents and other family members are living. After two months bed rest he was kidnapped. On 23 March his bullet riddled body was from Windar area near Hub industrial town of Balochistan province.

The body of Muhammad Nawaz Marri, a nationalist, was found on 5 January, 2011, just inches away from Arif Noor Baloch's body. His body has marks of extreme torture and there were bullet wounds to his head. He was abducted from Lasbella, Balochistan, while he was returning to his home from work.

Mr. Yasir, son of Haji Nasir, a student, resident of Gawader, was an activist of Baloch Student Organization (BSO Azad) abducted from Gawader port city of the province on 29 October 2010. Regarding his disappearance a case was registered in Gawader police station. On 9 March 2011 his bullet riddled body was found from Murgap. There were drill wounds and torture marks on his body and two bullets wounds on his chest.

Deen Muhammad Marri, 55, son of Sher Muhammad Marri, was a Baloch activist abducted from Hub Sakran No, 6 on 28 February 2011, along with his two friends Shareef Marri and Haji Azal Khan Marri. Later Haji Azal Khan was released and Muhammad Shareef Marri is still missing. Deen Muhammad's body was found on 8 March 2011 from Zero point Liari he received two bullets on his head and torture marks were on his body. Deen Muhammad was abducted first time on 5 February 2008, and released on 6 October 2008. After first arrest he told the media that he was abducted by law enforcement agencies and kept in a torture cell where he was tortured.

Faiz Muhammad Marri, son of Jalal Marri an activist of Baloch Republic Party, was abducted from Karachi on 6 November 2010. His bullet riddled body was found on 2 February 2011, from Dasht Mastung District, Balochistan province. One bullet shot was found on his forehead.

Nuroze Khan, son of Allah Baksh was found March 22 from Jiwan area of Kalat District, Balochistan. His body has the bullet marks.

Naeem Sabir Baloch, the district coordinator of the Human Rights Commission of Pakistan (HRCP), an NGO, was gunned down on March 1, 2011 in Khuzdar market, Khuzdar district, Balochistan. When he was standing in front of his shop unknown persons wearing masks and riding a motorbike opened fire at him. Mr. Sabir was struck by several bullets and passed away on the spot. Following the shooting the assailants fled the scene.

The bullet riddled body of Mr. Mahboob Ali Wadela was found on February 23, 2011, from Hadh Cross, Ormara town of Gwader district in an abandoned area. The body bore bullet and marks of torture. He was a senior member of the Baloch National Movement (BNM) which is part of the Baloch National Front (BNF), a nationalist movement struggling for greater autonomy of the province. He had been traveling in a passenger vehicle in Karachi bound for Gwader, a port city in Balochistan on 2 April, 2010 for just a few minutes when it was stopped by uniformed police from Maripur station in Yousuf Goth. According to passengers on the bus two vans resembling army vehicles arrived at the scene almost immediately and plain-clothed persons emerged and began to check the identity cards of the passengers. When they came upon Mahboob they reportedly pulled him from the bus with his luggage and drove him away in one of the unmarked vehicles. The passenger vehicle was then prevented from leaving the area by police for some time.

Arif Rehman's bullet marked body was found along with Mehboob Wadhela on February 23. He was abducted on September 3, 2010 from Rancho Line Karachi while he was returning home after some medical checkups of his relative from a local Karachi hospital. During his abduction onlookers tried to resist the abductors who were in police uniforms and plainclothes. The people who attempted to help were threatened and told not to interfere. Rehman was an activist of the Baloch Republican Party (BRP). His family staged a long hunger strike for his safe recovery which lasted for 100 days.

The bullet riddled body of Jameel Yaqoob was found from Turbat district on February 11. He was abducted on August 28, 2010 by people in uniform and plain clothes from a motor service station at 4 am. The family members alleged that security persons carried out the abduction after they identified one of the men as being from the state intelligence agency. Yaqoob was activist of the Balochistan Nationalist Party (BNP).

Comrade Qayyume, a student, had been missing since December 11, 2010 after he was abducted from his uncle's house at Gwader, port city by the security forces as claimed by his family members. His bullet riddled body was found from Heronik district Turbat on February 11, 2011. Comrade was member of the organising committee of BSO-Azad.

Saeed Ahmed Mengal of the Balochistan National Party (BNP) had been missing since September after his arrest from his house at Hub district. His bullet riddled body was found in Koshak, district Khuzdar, on February 14, 2011 in the bed of a dried river.

Mutilated bodies of Mr. Qambar Chakar and Mr. Ilyas Nazar were found near Turbat on January 5, 2011. Both the bodies clearly showed signs of severe torture with several bullets shot in the head. Chakar, 24, a student of Balochistan University of Information Technology, Engineering and Management Sciences (BUIITEMS) was abducted on November 26, 2010 for the second time.

Mr. Ilyas Nazar, 26, a journalist, was whisked away by the Pakistani paramilitary forces on December 22, 2010.

Arzi Khan, son of Mehar Khan Marri, a student, was abducted by men in uniform and plain clothe in December 2010. His bullet riddle body was found on February 10, 2011 from Uthal district's far flung area of kehnwari on the main national high way. An FIR

regarding his abduction was lodged at the Hub police station despite the fact that his body was found far away from this area.

Three more bullet riddle bodies were found on April 25, 2011 from the Turbat and Khuzdar districts of the province. They were abducted on the different dates of April 2011. All of them were from Baloch Republican Party. Their names are; according to the report published in Dauly Jang, the largest circulated newspaper, Mohammad Aube Husni, Ghulam Murtaza Zehri and Hafeez Bajoi. Their ages were ranging from 25 to 30 years.

The bullet riddled body of Zareef Faraz, a poet and editor of quarterly literary magazine, the Shabjoo, was found on April 25, 2011 from Turbat. According to the media reports, Zareef was abducted one week before his killing and he was abducted when he was going in a passenger bus by uniform and plain clothe persons.

Sami Ahmed's body was also found with the body of Zareef, he was from Tump sub district of province.

The bodies of Siddique Eido and Yousuf were found on April 28.

According to the journalist body, since November 2010 to till five journalists were killed extra judicially and all were recovered from the Makran division of Balochistan.

Baloch Voice of Missing persons, an organization compiling the record of missing person, claims that around 149 persons were killed through extra judicial killings by the state agencies. Please also see the statement of AHRC dated November 24, 2010, about the rapid increase of extra judicial Killings in Balochistan.

Enforced disappearances, illegal detention, torture, extra judicial and in-custody killings have become rampant in Balochistan with a media blackout on the gruesome incidents.

Since last year a new trend of enforced disappearances has been observed, with Baloch activists being abducted by law enforcement officials and kept incommunicado for several days. After a while, it is learnt that they had been extra judicially killed. This method makes it easy for the abductors to wash away all evidence of the disappearance: no question of FIRs, legal process or blame. Widespread disappearances at the hands of the state agents started at the time of former President Musharraf. Now under a civilian government, this phenomenon continued and the disappearances are followed by extrajudicial killings, in particular in the province of Balochistan.

The Government must take immediate steps to stop the large scale assassinations and disappearances taking place in Balochistan. Immediate steps must be taken to inquire into the killings and lawlessness prevailing in this area. The government must take extraordinary steps to stop this carnage. United Nations human rights agencies should also regard the situation in Balochistan as an exceptional one and must work towards getting the situation under control. The United Nations Special Rapporteur on extrajudicial killings should seek an opportunity to visit the region and to inquire into the matter. Local and international human rights organizations should demand immediate action from the government and the international community to deal with this extraordinary situation.

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