

## Communication development and human rights

Sa'adat Rizvi

1988

Sa'adat Rizvi. (1988). Communication development and human rights. In AMIC-ISS-MERIC Seminar on Communication Development and Human Rights : Bangalore, India, 9-11 May 1988. Singapore: Asian Mass Communication Research and Information Centre.

<https://hdl.handle.net/10356/79568>

**Communication Development & Human Rights**

**By**

**Sa'adat Rizvi**

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COMMUNICATION DEVELOPMENT & HUMAN RIGHTS

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1) POSSESSING HUMAN RIGHTS

On August 11, 1947, when Pakistan was still three days away from its emergence on the map of the world, Mohammad Ali Jinnah, its founder and first governor-general designate, addressed the Constituent Assembly of the yet un-born country in Karachi, in his capacity as its first President and declared:

"You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or cast or creed --- that has nothing to do with the fundamental principle that we are all citizens and equal citizens of one State. Now, I think we should keep that in front of us as our ideal, and you will find that in due course of time, Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State." (1)

But less than forty years later in what remains of Jinnah's Pakistan, writing in the "STAR" under the heading "Human Rights in Pakistan", Bulleh Shah remarks:

"Pakistan is a semi-slave, semi-feudal, semi-capitalist military state, despite its democratic and Islamic pretensions. Anybody can be arrested, tortured, imprisoned, killed and hanged, with or without due

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process of law. The police can knock at any door at mid-night, or break into sleeping rooms without a knock, to beat up inmates and loot property. That is the fundamental right of the police." (2)

In another paper, "Dawn", the masthead of which proudly proclaims "Founded by Quaid-e-Azam Mohammad Ali Jinnah", senior assistant editor Ghazi Salahuddin observed in his "Karachi Diary":-

"Pakistan is a great country to get away from."

The quotations reproduced here are pictures in sharp contrast and portray a confusing situation. Any ordinary observer of the events is bound to wonder as to what happened between August 11, 1947, when the founder of the nation laid down through spoken words the guidelines of the future constitution of a country which had not emerged as yet, and September 26, 1987, when the paper he helped establish suggested somewhat sarcastically that the country Jinnah and his associates carved out of India was a great place to get away from.

Trying to fill in the blanks for those seemingly missing years Mr. Khalid Ishaque, Pakistan's leading constitutional lawyer told this writer: "Three prolonged spells of military dictatorships, coupled with suspension of fundamental rights, blocked the country's progress to democracy." The missing years, he said, are a sad story of the failure of the (Pakistani) society as a whole to check boldly the infringement of its ideals and aims it had held aloft during the long years of the struggle for Pakistan.

Soon after the death of Mohammad Ali Jinnah on September 11, 1948, Pakistan saw its first preventive detention laws enacted by a constituent assembly the members of which had not been elected by the people of Pakistan. In taking this step, the Constituent Assembly

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itself committed the first violation of the human rights of its own citizens by framing an act without being so mandated by the people. (Article 21, clause 1 of the Universal Declaration of Human Rights) When this violation took place, Pakistan was little over a year in age.

It is hard to imagine if Jinnah, had he been alive, would have permitted the passing of such laws. Perhaps not. In 1949, Mr. Mohammad Ayub Khuro, the then chief minister of Sind, was disqualified from the membership of the provincial legislative assembly under the Public Representatives Disqualification Act (PARODA). Mr. Khuro filed a suit against this order. During the trial, one of the witnesses happened to be Mr. Agha Shahi, who later served as Pakistan's permanent representative at the United Nations, Secretary General of the Foreign Ministry and lastly foreign minister in Gen. Zia's government.

Mr. Shahi deposed before the court that with a draft ordinance, which provided for . . . detention without trial, he had gone to the governor-general for his signatures. Jinnah angrily retorted:-

"All my life I have been fighting against these.  
black laws. Now you want me to sign it. No. I will  
put my foot down on it." (3)

On August 12, 1947, that is the very the very next day of his election as the president of the constituent assembly, a committee was formed under his guidance on "Fundamental Rights of Citizens of Pakistan and on matters relating to minorities." Jinnah headed that committee and during his life-time, its sub-committee on fundamental rights had formulated an interim report. What happened next is a shameful story of betrayal of Jinnah's ideals and thoughts. Hardly a month had passed after his death when his successors trampled on

the very principles for which he had struggled till his last breath. In October, 1948, the draft ordinance on which Jinnah had refused to put his signatures was decreed as the Safety Act Ordinance of 1948. In May 1952, the ordinance got permanent life with the backing of the parliament.

Along with the Public Safety Act, the Frontier Crimes Regulation Act also became a law, with both laws giving the government unlimited power to make arrest without warrants and to keep people in detention for as long as it liked. Needless to say the laws were mostly used against political opponents. An indication of what course the country's political and parliamentary life would take in the near future became evident in 1954 when the commander-in-chief of the Pakistan army, General Mohammad Ayub Khan, was inducted in the Federal cabinet and given the charge of the defence ministry. His induction was interpreted by many as the growing political aspiration of the army and a sign of its determination to gate-crash into the national political arena.

Despite the adoption of arbitrary laws, the country's parliamentarians pretended to put on a display of independent authority and managed to give the nation in March 1956 the country's first-ever constitution under which elections were to be held in due course of time. That time could never come. In the first week of October, 1958, troops under the command of General Mohammad Ayub Khan moved in, clamped martial law, arrested politicians, disbanded the assembly, abrogated the constitution and suspended the fundamental rights granted under the '56 Constitution. A long list of martial law regulations, the violations of some of which listed death as punishment, clipping the powers of the courts to hear habeas corpus petitions and cases relating to infringement of fundamental rights, were issued (violation of Articles 6, 7, 8, 9 and 10 of the Universal Declaration of Human

Rights). The long night of the generals had begun in Pakistan.

Those tall, moustached, Sandhurst-trained men in uniform from the plains of Punjab and the parched hills of the Frontier Province were somewhat late in acquiring the membership of the so-called elitist club which ruled over Pakistan. Its other members, industrialists, bureaucrats and feudal lords, were already enjoying the fruit of their elevated status in a society where one out of every four children dies of malnutrition before reaching his fifth birthday. Mr. Ghulam Mohammad, the third governor-general of Pakistan, and Chaudhry Mohammad Ali, one-time prime minister and the framer of the '56 constitution were both top civil servants possessing feudal background and pushed into politics by accident.

Lawyer Khalid Ishaque told this writer that the members of the ruling clique who always came from the upper echelons (right from Mr. Liaquat Ali Khan, the first prime minister, to Mr. Mohammad Khan Junejo, the present prime minister) of the Pakistani society had nothing in common with the toiling masses and very little or no interest at all in the welfare of the teeming millions they were supposed to be governing. They were the policy-makers, held majority seats in the parliament (still do), owned factories and large chunks of land. They were in power only to safeguard their own interest and to see that the "subject behaved," he said. The arbitrary laws which gave the successive governments often the unquestionable right to jail people were enacted only to keep the groaning masses in check, the lawyer said.

The most unfortunate part of the change over to the military system of the government was that the national media welcomed it whole-heartedly. Not a single voice of dissent was raised or heard. The press, as if in

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a unison, hailed the generals as emancipators. But the "emancipators" had a hunch that the press could, if left on its own, turn against them. In 1963, the military government framed the notorious West Pakistan Press & Publications Ordinance which greatly curtailed whatever freedom Pakistani newspapers had.

Earlier, in 1959 General Ayub Khan took a unique step, unparalleled in the history of the sub-continent, when in April that year his government took over the ownership of four newspapers and periodicals belonging to the left-leaning "Progressive Papers Limited." And as if not content with that the government hit back again and in 1964 established the National Press Trust (NPT) which became a virtual newspaper empire by acquiring the ownership of twelve newspapers in both wings of the country. (4)

Despite government take-over of newspapers, toppling of democracies, scrapping of constitutions and enactment of draconian laws which hit at the very concept of freedom of speech and civil liberties, independent Pakistani papers and international civil rights groups took little or almost no notice of human rights violations in Pakistan. The only international body which frequently made its presence known in Pakistan was the International Press Institute (IPI) which showed concern about press laws in Pakistan. It was not until the early seventies that the world began showing concern about the violations of human rights in Pakistan.

In his book "Press in Chains", senior journalist Zamir Niaz said that between 1948 and 1985, a total of 183 newspapers and periodicals were the victims of punitive action taken in the form of total closure, demand for security deposit, issuance of show cause notices, curtailment or total withdrawal of government advertisement and newsprint quota or officially sponsored mob attack on their offices. (5)

A senior journalist who did not wish to be identified, told this writer that when newsmen were being flogged, as late as the early years of Gen. Zia's martial law, for protesting over the forced closure of some newspapers and detention of fellow newsmen, they were actually protesting against the violation of human rights of some of their colleagues. But, he said, it is interesting to note that in the process they, too, became victims of human rights violations. If the victims realised this or if this precise point was raised or discussed at that time, my friend did not know.

In any case, it was not until much later in Pakistan's history that one heard about human rights violations taking place in this country, although such violations had started occurring only months after the creation of this country and were most probably taking place right about the time Pakistan was signing the Universal Declaration of Human Rights which was as early as 1948.

It is hard to perceive that violations of human rights and that of different United Nations conventions on political, social and economic rights would not -- and should not -- find a position of priority until the later years of Pakistan's turbulent history. But it is a fact that newspaper files from mid-47 onwards contain very little by way of reports on human rights violations in this country. The most one could find would be an occasional editorial commemorating the signing of the Universal Declaration of Human Rights. As a matter of fact, Pakistan's first book on human rights was published as late as 1970.

Prior to that it was only the existence of imaginary external threats on Pakistan's frontiers which, according to official claims, "endangered both the country and Islam", kept the newspapers busy in that sphere. Safeguarding the imaginary threat to the ideology and

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integrity of the country was considered the most sacred national duty; holier than preventing the human rights abuses. One of the first step Gen. Mohammad Ayub Khan took after seizing power in 1958 was to jail a minister in the civilian government he had just toppled in what the newspapers then proudly proclaimed as "bloodless revolution", on a trumped up charge of selling his car in black market. Later a military court dutifully found the minister guilty. The verdict was a banner headline in the next morning newspapers. None of them even mutely suggested what Mr. Mahmood Ahmed Madni, editor of "Jasarat", an organ of the fundamentalist Jamaat-e-Islami, said in a recent interview with this writer. Madni said that there is no concept of martial law in Islam. Therefore, he said, setting up of military courts and trial of cases of civilians before them would be held illegal in any Islamic state. The same view was expressed by Mr. Khalid Ishaque. If their views were to be accepted, the imposition of martial law, all its orders and convictions by its military courts would be in direct conflict with the religious beliefs of the majority community in Pakistan -- the Muslims --, and would, therefore, be in violation of the Universal Declaration of Human Rights and the United Nations Declaration on the Elimination of Discriminations Based on Religion or Belief (Resolution 35/55).

Also, the military courts violated the human rights of the people whom they convicted under various martial law regulations, as international standards of justice forbids the use of military tribunals to try civilians for civilian offences. Therefore all military court proceedings in Pakistan involving civilians have constituted a violation of human rights, even if the proceedings complied with the technicalities of martial law regulations. Persons detained and sentenced following such proceedings have been prima facie subjected to arbitrary detention in contravention of fundamental human rights.



Roughly ten years before the imposition of Gen. Ayub Khan's military rule, Pakistani newspapers had joined hands in an unprecedented display of projecting themselves as saviours of national integrity when they held another newspaper guilty (without trial) of "high treason." (6)

Hardly nine months after the death of Mohammad Ali Jinnah, the Civil & Military Gazette (CMG) published a report in April 1949 from its New Delhi correspondent, Mr. A.N. Kumar, suggesting that a compromise formula on the basis of partitioning the State of Jammu & Kashmir was under discussion between India and Pakistan, and an agreement might be reached soon. The Pakistan government promptly denied the report. The next day the CMG published the denial on the front page and also expressed regrets for publishing the report. It also announced that it had dispensed with the services of its New Delhi correspondent for filing a despatch without getting it cleared from responsible sources.

But a campaign against the CMG, led by Nawa-e-Waqt (Lahore) and Dawn (Karachi) was launched which was later joined by other papers also. On May 6, 1949, in a joint editorial by no less than 16 dailies (a fantastic number) of West Pakistan (East Pakistan editors having refused to join the chorus) demanded the head of the CMG. On May 7, 1949, the West Pakistan Press Advisory Committee came out with a similar demand. The thrust of the joint editorial and the Advisory Committee's demand was that "the paper (CMG) had committed a grave breach of fundamental ethics of honest journalism." Apart from "professional misconduct", the joint editorial published under the caption "Treason", said, "The newspaper in question has, in our considered view, committed an act of treason against our State. We demand that the Governor of West Punjab should take immediate penal action against the Civil & Military Gazette and order the suspension of its publication for a suitable period."

The demand of the editors was given "top priority" and the newspaper was ordered closed for six months. It never recovered from the dislocation caused by the government action. The CMG lost circulation as well as business. In another few month the CMG folded.

Those were the times when newspaper barons would fall upon a weak colleague to force it to go out of business; a kill on which the barons as well as the government would feast. Human rights violations.... they could wait their turn.

Yet there were pockets of resistance....upright people who would say the truth. On April 8, 1984, the Federal Shariat (Islamic) Court announced an historic judgement in which it directed the governments of all the four provinces, i.e. Punjab, Sind, the North-West Frontier and Baluchistan, to amend the Press and Publications Ordinance of their respective provinces by September 30, 1984. (7)

The most significant part of the judgement was that it upheld the right to protest and dissent and determined the pattern of a journalist's performance in his commitment to truth. The judgement categorically affirmed the right of the media to

- " 1)Express freely their opinion about the affairs of State with a view to ensuring that the authorities remain within the framework of law and do not violate it.
- 2)Exercise their right without fear or favour, and
- 3)Question the highest authority in the state."

The verdict made it binding on the media to "raise their voice against oppression and tyranny", threatening those "who see injustice being perpetrated and remain silent" with the wrath of Almighty. Defining the

obligations of a journalist, the court observed that a true journalist was required to have "the Cardinal Values, such as wisdom, temperance, justice and truth."

But the message of cheer enshrined in the judgement proved short lived for the Federal information secretary Lt. Gen. Mujibur Rehman (the first army officer to be appointed to this post in the history of Pakistan) said on June 10, 1984, that an appeal would be filed.

Before the end of the deadline, September 30, 1984, the Punjab government submitted to the Federal government on September 2 that the amendments suggested by the Shariat Court were "not practicable and, as such, the Federal government should go in for an appeal in the Supreme Court."

The Punjab government further added: "In the opinion of the Punjab government jurisdiction of the Federal Shariat Court was restricted to examination of laws as defined in clause "C" of Article 203B of the constitution. It was observed that the Shariat Court in its judgement regarding amendments in the Press and Publications Ordinance, 1963, pertained to procedural law, whereas originally its jurisdiction was to examine a law or its provisions with a view to determining whether it was repugnant to Quran and Sunnah or not."

After three weeks, the Punjab government itself filed an appeal before the Shariat Bench of the Supreme Court in this regard. The appeal is still pending.

"Except for a brief period in the early history of Pakistan, people in this country never possessed human rights", said Mohammad Faridul Haq, another senior constitutional lawyer of Karachi, "so how could you talk about violation of human rights. For something which is not possessed is not violated", he said with a mixture of anger, frustration and sarcasm.



In its issue of September 14, 1987, "The Nation" (Lahore) carried on the front page a five-column picture. In the foreground the picture shows what appears to be a human body wrapped in clothes and lying on the ground. A number of stones, some small, others big enough to weigh about two pounds are seen scattered around the body. In the background can be seen a crowd of about two dozen men, the smirk on their faces clearly visible in the picture. They are throwing stones at the human body which was apparently lifeless when the picture was taken. A two-line caption under the photograph read,

"Safi tribesmen stoned to death accused Sahir Shah in Mohmand Agency. The execution followed a judgement given by a "jirga" after he was caught red-handed in episode linked to a bomb blast in the area where a young child was killed (and) a woman and another child injured." (8)

There was no follow-up of the gruesome story, no editorial comments, not only in The Nation which reported it, but also not in any other paper in the country. And no human rights group in Pakistan protested over the episode.

Mohmand Agency is located in the North-West Frontier Province's tribal areas which are excluded from the jurisdiction of Pakistan penal laws. Petty matters and tribal feuds are settled by a court of elders (jirga) who decide matters according to tribal traditions. Commenting on whether the trial in question was held according to Islamic principles (ninety-nine percent of the population in the country's tribal areas is Muslim by religion) Mahmood Ahmed Madni, editor, "Jasarat" told this writer that he was not aware if the members of this "jirga" met the conditions set forth for a qazi (judge) in Islam. He also could not say if the evidence produced and recorded was in conformity with the

Islamic system of justice. However, he said the Islamic system of justice permits a convict to appeal against his conviction and apparently the man stoned to death was denied this chance. So, he agreed that the deceased's rights to a fair trial both under the Islamic and the U.N. Declaration of Human Rights were violated (Articles 7 and 8 of the U.N. Declaration of Human Rights). Insofar as the man's death through stoning is concerned, it, too, was a violation of Article 5 U.N. Declaration of Human Rights.

Also, Madni said Islam does not prescribe the death penalty for acts of sabotage. Yet no Islamic association, no lawyers group in Pakistan took notice of this murder. No one was arrested and none was jailed for his or her involvement in this brutal killing. For all that matter, the case of this wanton murder is now closed.

On October 7, 1987, Pakistan Press International (P.P.I.) a Karachi-based wire service released the following story with Moro (Sind) dateline.

"Moro, Oct 7, PPI-Police killed an accomplice of notorious dacoit Ghulam Chandio in an encounter in the riverine area of Moro last night.

According to police, members of law enforcement agencies and a police party while patrolling near the river, gang of Ghulam Chandio opened fire on them. In exchange of fire one dacoit said to be (the) brother of Ghulam Chandio got killed.

The dacoit was wanted in many cases of murders and dacoities.

Meanwhile, human rights committee of the National Peoples Party, Nawabshah, Liaison secretary of

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NPSF, district Nawabshah, Latif Bhutto, President, Pakistan Peoples Party, Moro, and other members of political and social organisations, including leaders and workers of Jiay Sind and Sind-Baluch-Pakhtun Front in a press conference and separate statements said that the person killed by police and law-enforcement agencies was not a dacoit but a common citizen of Moro, named Dhani Bakhsh, (professionally) a truck loader. The leaders and the workers in their statement have demanded (a) judicial probe in the death of Dhani Bakhsh. (ends/ppi)." (9)

For reason which could not be ascertained, the story was not picked up by any of the newspapers the following morning. In any case, no judicial was ordered into the death of Dhani Bakhsh. So nobody would ever know if Dhani Bakhsh was a dacoit as claimed by police or a law-abiding citizen as claimed by several political leaders of the area.

Newspapers, specially those coming out in Sind, publish in their daily editions reports about encounters between the police and the law-enforcement agencies on the one hand and the so-called dacoits and the highway robbers on the other. Such encounters, according to papers, result in the deaths of dacoits and highway robbers. But never has any paper demanded inquests into these deaths, if only to establish that those killed were not innocent citizens as is often alleged by opposition political parties in Sind.

Commenting on the attitude of newspapers, lawyer Mohammad Faridul Haq said:- "Newspapers these days thrive on reporting about films and sports, the two spheres which pay guaranteed high dividends. The papers have failed to establish a base from where a strong people's resistance could be launched against existing injustices."

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Faridul Haq said that in our feudal society rich have the upper hand and these are the hands which own the newspapers. He said that for most big newspaper owners journalism is not a profession; it is an industry. He said that no industrialist would like to manufacture an item which would not be popular among the consumers. The same way, he said, these papers do not like to print instances of human rights violations which they somehow believe are skipped by their readers.

Dismissing the oft-repeated claim that mass illiteracy prevents efforts to reach larger audiences, the lawyer said, "if people can't read, we can at least make them listen. We can if we so desire.....and there seems to be a lack of desire."

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COMMUNICATION DEVELOPMENT & HUMAN RIGHTS

By Sa'adat Rizvi

2) INFORMING ABOUT HUMAN RIGHTS

Writing in "Letters to Editor" column of "Dawn", Karachi, Mr. Ardeshir Cowasjee observed:

"It must first be undeniably admitted that the majority of our press lords, publishers and editors are themselves responsible for the circumstances in which our Press finds itself today. Had they had been less greedy and had been less acquiescent, had they been capable of long-term thinking and had they held a straighter back, our Press would have been far better off." (1)

Mr. Cowasjee is a regular contributor to the letters column and is well-known as an out-spoken critic of everything that does not go along with modern democracy and concept of justice. But the astonishing fact about his letter, partly quoted here is that it was the first time in the recent history history of "Dawn" that the newspaper published in its entirety a letter which was harsh on the newspaper owners and editors. It was one of those very rare occasions when "Dawn" deviated from its long-standing policy of not allowing the paper to come under public impeachment. On most other occasions, its editors are known to have put down their feet heavily on letters from readers seeking to take some liberty with the policy of this conservative newspaper. At least one instance of this policy was cited by Mr. Cowasjee himself when this writer met him recently.

He told me that he once tried to persuade the editors of Dawn to accept a letter from him the contents of which were critical of a former editor of the paper, and who, Mr. Cowasjee thought, had drafted the notorious West Pakistan Press & Publications Ordinance way back in 1963 when the

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former editor was a senior bureaucrat. Dawn refused to publish the letter. The reason: "It was not Dawn's policy to publish criticism of its former editors." Mr. Cowasjee told me "the policy serves the editors of the paper well. They won't be criticised after they retire or are removed."

He said that the idea behind the letter (partly reproduced here) was to force "Dawn" to open its pages for a frank debate on various aspects of our social, cultural and political life. The fact that the letter was published speaks of the initial success of Mr. Cowasjee's attempts. But it's a long way perhaps before the print media in Pakistan would start realising their obligations. Writing in "Star" (Karachi), on the role of the press in safeguarding human rights in Pakistan, Bulleh Shah is less optimistic. He noted,

"The press supports the persecution....on religious, political and social grounds. Pakistan's national press, especially the Urdu press, is not only yellow, it is black as night in a jungle.....The publishers are privileged gentlemen, and if one looks at the industrial and mercantile empires (they have created), one loses one's mind. How did they gather such enormous wealth? With their combined daily circulation of little over a million copies, they could not become billionaires in a country where literacy rate is below 7%." (2)

Bulleh Shah went on to say in the same write-up:

"The Government of Pakistan is not satisfied with its extremely repressive laws under which the criticism of the government or its functionaries amounts to treason. It converts journalists into intellectual prostitutes who would sell body and soul for a fast buck."

At least one point raised by Bulleh Shah, concerning the low literacy rate in the country, is a severe impediment in spreading any message, including those about human rights. According to the figures released by the government, there were 121 dailies in Pakistan at the end of 1985. This number includes 13 dailies which are published in English. According to an official of the Audit Bureau of Circulation who did not wish to be identified, the combined circulation of daily newspapers in Pakistan is roughly 750,000, compared to a national population which is touching the 100 million-mark. The official said that during 1980-85, the circulation of Urdu and other regional language newspapers showed a rise of roughly three percent, while that of the English language papers rose by less than one percent, which means that there is one newspaper copy for every 133 or so readers. "Jang" among Urdu papers has a daily circulation running into over 200,000. Incidentally it is the only newspaper in Pakistan which has a circulation of over 100,000. "Dawn", among the English newspapers, has a daily circulation of about 65,000. The rest of the newspapers in all language groups enjoy far less circulation.

To make up for the loss of revenue caused by low readership, almost all newspapers have raised the price per copy. The week-day "Dawn" costs more than half the price of week-day New York Times. The rise in price per copy has cut down the readership still more as low-income families find it easier to cut down on their newspaper purchase than to reduce their grocery and healthcare bill. The resulting loss of income here was made up by the newspapers by publishing more advertisements and by increasing advertisement tariff at the same time. In some cases, specially in regard to urban newspapers the advertisement tariff during the last five years has jumped by as much as four hundred percent.

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There is no limit prescribed either by the government or newspaper owners themselves on how much newspaper space should be given to advertisement. In the absence of government regulations or self-imposed restrictions by owners, newspapers, specially in urban areas, give 50 percent--or more--space to advertisement. Their argument is that the cost of production has gone up along with the salaries of newsmen. But it is the reader who is the ultimate sufferer as he now gets less and less of hard-core news and more and more of advertisement. Faced with this situation, most newspaper readers have switched on to digests and magazines specialising in fashion, films and sports.

The electronic media reaches a far larger audience estimated at over 70 percent of the population. But since both radio and television are under state control, their credibility is at a low ebb. This has forced people who have radios to turn to VOA, BBC and All India Radio both for news and entertainment.

Mr. Justice Dorab Patel, a retired judge of the Pakistan Supreme Court and now a civil rights activist, admitted in an interview with this writer that with the government controlling the electronic media, it had become very difficult to educate the people at large about the rights they enjoy under the country's constitution and under various international charters. He suggested the formation of a volunteer force to go out in the interior and inform people about their rights. But he immediately conceded that raising such a force would need huge resources and a lot of time in training. "This brings us back to square one", he said and added, "I have not the faintest idea how we should go about doing what we intend doing. Ours is a race against time, but if it takes us five years to educate 15 percent of the population, I would call it an achievement."

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Barrister Shahida Jameel (grand daughter of a former prime minister of Pakistan) said that doubtlessly the work to educate the people about their rights would take time. "Maybe fifty years if we begin now". She said she would like to imagine the nation "as a long queue of people....a very, very long queue". She said that let the first person in the queue speak NOW to the next person and then let the next person speak to the person standing next to him. "It would be years before the last person in the line picks up the message, and the time consumed in transmitting the message to the last person in the line could multiply by additional number of years if we take into account the population growth, a factor which is certain to pick up speed in the years to come". But, she emphasised, "lets begin now".

Javed Jabbar, a member of the senate from Karachi and the owner of a top advertising firm, took a somewhat realistic approach to educating the masses about their fundamental rights. On three successive occasions, December 1984, 85 and 86, on the day the U.N. General Assembly adopted and proclaimed the Universal Declaration of Human Rights, a number of urban newspapers published free of charge an advertisement prepared by Senator Jabbar's advertising firm. The ad contained the preamble of the declaration and all 30 articles contained in the declaration. The slogan of the ad copy read: (3)

"At least once a year in a country where 3 out of every four people are illiterate and thus cannot read the Universal Declaration of Human Rights, will the 1 out of every four people who are literate actually note the full text? Then, instead of turning the page to apathy, express your support for the enforcement of these rights in Pakistan".

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Senator Jabbar said that he received an "overwhelming" response from newspaper readers and others who expressed their support for the Universal Declaration of Human Rights. "They included people from the middle and low income groups", he said, but added, "Surprisingly there was almost no response from the rich class".

There are three major newspaper publishing concerns in the country and between them they cover about 75 percent of the total newspaper and periodical readership. The biggest of them, the Jang Group of Publications, located in Karachi, owns an Urdu daily (Pakistan's largest and published from four cities), an English evening paper, an English weekly and an Urdu weekly. This group is reported to have government permission (declaration) to bring out an English daily from Karachi.

The second biggest is Pakistan Herald Publications which is also based at Karachi. This group owns "Dawn" (Pakistan's most influential English daily), two dailies published in regional languages, one Urdu daily, one English evening paper, one English weekly for overseas Pakistanis and one English monthly magazine.

The third biggest newspaper publishers are Nawa-e-Waqt Publications. This group is located in Lahore and brings out an Urdu daily which is published from four places. Recently, this group also started publishing an English daily from Lahore. This group is generally believed to be pro-government and is regarded by many to represent the interest of Punjab, Pakistan's largest province population-wise.

The fourth largest chain of newspaper publishing concern is the State-owned National Press Trust (NPT) which owns two English and about seven Urdu dailies. Since it is government-owned, the NPT not only suffers from credibility gap but is also running in serious financial losses.

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Asked why most major newspapers give no more than a side coverage to human rights issues in Pakistan, Mahmood Ahmed Madni of "Jasarat" said that roughly 62 percent of advertisement given to newspapers are released by government-owned industries and banks. Few papers, he said, would, like to annoy the government by talking about human rights violations and end up losing the government ads. Besides, he said, by keeping 'good relations' with the government, some newspapers just make sure they will get official patronage and blessings in their "business ventures". He said although the conditions on human rights front in the country have eased somewhat and newspapers have relatively greater freedom of expression, few papers would like to criticise the government for its human rights abuses.

The picture in the country's universities which train youngsters to become future leaders is equally less promising. In the departments of mass communication specially, students do not focus on human rights because the subject is not included in their syllabus. Prof. Zakaria Sajid, head of the department of mass communication in the University of Karachi, one of the four out of 20 Pakistani universities to offer courses in mass communication, told this writer in a meeting that he did not know why human rights was not made a subject for post-graduate studies in journalism, although he personally believed that his students must be made to imbibe knowledge of human and fundamental rights. However, he said that there are so many agencies involved in framing university courses that it is difficult to pinpoint which one of them lapsed in not recommending the inclusion of human rights as a subject in his department. He also could not say if the subject of human rights would soon become a part of the syllabus in the department of mass communication in the Karachi University. It is interesting to note here that at the three other universities which have mass communication departments, human rights is missing from their syllabus.

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Rafiq Safi, a prominent political worker and a human rights activist who believes that most human rights violations took place in his native province of Sind, is of the view that awareness about such rights can be created by lecturing groups of villagers, holding road-side theatres and distributing pamphlets written in local languages. But first of all, he said, human rights activists themselves have to get organised. Presently, he said, these people are divided in many groups and there is stress on becoming a leader than an ordinary worker. Besides, he said, none of these people have offices of their own, nor any staff to carry out day-to-day work. Necessary funds are lacking, he said, blocking the passage of any actual work which should have begun by now. But, he hoped, given sincerity on part of the people involved in this missionary work, problems would be sorted out and work will begin in the real earnest.

Giving his views on how the message can be spread Senator Javed Jabbar said that mass illiteracy in Pakistan is no barrier to the spread of the human rights message. A revolution, he said, has always pushed aside obstacles like illiteracy to achieve its goals. "Whether it was the Soviet revolution, the Chinese long march or revolutions against colonialism", he said, "they all succeeded despite overwhelming illiteracy and ignorance among the people". He said what is needed is sincere leadership and a firm belief in commitment.

Even though martial law has been lifted and the press is slightly more free to discuss issues previously considered sensitive, newspapers, it seems, are still shy about taking up the subject of human rights in Pakistan. Of the government-controlled media, radio and television have very rarely talked about human rights in

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Pakistan. The official newspapers do take a line but successfully manage to stay clear of controversial issues. "Morning News" (Karachi) and "Pakistan Times" (Lahore) in their issues of December 10, 1986, editorially commented on Human Rights day. Though they did talk about the rights of the blacks in South Africa and those of the Palestinians in the Israeli-held Arab territories, both newspapers completely ignored human rights violations in Pakistan. So thousands of people who read these two papers were deliberately kept ignorant of the situation on human rights front in their own country. But "The Nation" (Lahore) of the same date commented: "Except for a brief period in its (Pakistan's) existence of 38 years, human rights have more often been violated than observed."

More often than not, the so-called independent newspapers in this country have violated the rights of the readers to know by delaying the publication of a story or by completely ignoring it. The daily "Muslim" (Islamabad) published in its issue of September 19, 1987, the report of the International Commission of Jurists (ICJ) on Pakistan for the year 1986. It was another three weeks before "Dawn" (Karachi) picked up the excerpt of the report in its issue of October 16, 1987.

But a classic example of completely ignoring an important court judgement by major Pakistani papers took place in September '87. The "Frontier Post" (Peshawar) in its issue of September 20, 1987, carried the following story with a Lahore dateline:-

"A citizen's right to travel abroad is an important aspect of his liberty which could not be curtailed for having communist thoughts unless it was shown

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that the person was going abroad to meet the enemies of the country and his visit would endanger the security of the State, or was against public interest".

"This observation was made by the Supreme Court while upholding the judgement of a lower court which held that the petitioner Dada Amir Khan (described in the case by the prosecution as a) old political worker having communist thoughts was entitled to a passport".

"The court referred to Justice Mohammad Akram in the case of Abul A'la Maudoodi (PLD 1969, Lahore 908) and said that the freedom to leave one's country temporarily for travel abroad is important to individual, national and international well-being".

The Frontier Post was the only major paper in the country to have published the story.

But as Barrister Shahida Jameel pointed out "newspapers in this country still work under many constraints and with the passage of time when there is a greater realisation of individual freedom and human rights, let's hope Pakistani papers will be more vocal in reporting the violations of these rights".

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C

COMMUNICATION DEVELOPMENT & HUMAN RIGHTS

By Sa'adat Rizvi

3) STATUS AND TYPES OF HUMAN RIGHTS VIOLATIONS

The preamble of the Universal Declaration of Human Rights said:

"Whereas it is essential, if mankind is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law".

A fundamental aspect of human rights under the rule of law is that the authority of the government is the will of the people, expressed in genuine elections and in the right of any person to take part in government.

In human rights law, the principle of rule by the consent of the governed found in Article 21, incorporates the corollary concept of popular participation. For the purpose of Article 21, popular participation

"means that juridicial and political structures should enable all citizens to participate, freely and actively, in laying the constitutional foundations of the political community, determining the scope and purpose of the various institutions, choosing their leaders, and governing the State".

The existence of human rights violations in Pakistan at the present is in large part inextricably linked to continued violation of this basic civil right -- the right of a people to a government reflective of their will, and its corollary, the right to popular participation.

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On July 5, 1977, the government in Pakistan came almost under total control of the army. On that date, General Mohammad Ziaul Haq, Chief of the Army Staff, proclaimed a state of martial law, proclaimed himself as the Chief Martial Law Administrator, suspended the legislature, suspended fundamental rights enshrined in the constitution and all proceedings in any court to enforce these laws, and granted himself and his appointed provincial military governors unlimited powers to promulgate ordinances or other laws.

Subsequent enactment banned all political parties and political activities and gave Gen. Ziaul Haq and his appointees exclusive powers to amend the Constitution. Changes have been made to the government by the 1984 Refrendum, the 1985 elections, by the Constitutional (Eighth Amendment) Act of November 11, 1985, and by lifting of martial law on December 30, 1985. These changes, however, have not yet fully restored to the people of Pakistan their right to a government that derives its powers from their will.

Senator Javed Jabbar told this writer that fundamental rights have been restored only on paper. In reality, he said, natural and artificial obstructions prevent people from seeking their rights.

In Pakistan, human rights violations take different forms and occur due to a number of socio-economic and political factors. The violations of human rights can be categorised under the following heads:

LEGAL: Arrest without warrant, detention without trial, denial of bail, denial of right to appeal against a conviction, application of cruel penalties for certain offences, inability of courts to act swiftly when a person stand deprived of his human and fundamental rights, torture of suspects in police stations, inhumane treatment and punishment given to jail convicts.

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SOCIAL: Suppression and exploitation of women, denial of their equal status in society, violation of privacy of homes and correspondence, denial of free speech and thought and freedom of movement within the state, denial of freedom to leave the country, denial of education, denial of medical care and adequate housing.

ECONOMIC: Denial of equal access to government jobs, dismissal of political opponents from government jobs and prevention of equal distribution of national resources among various segments of population.

RELIGIOUS: Persecution of religious minorities, denial of government jobs to certain minorities and State-sponsored attacks on places of worship belonging to religious minorities.

Perhaps the worst forms of these violations take place at the hands of those who work at the lower tier of the government, police and other law-enforcement agencies who are supposed to protect these very rights. Writing in "Frontier Post" (Peshawar), Ash'ar noted:

"It is in the nature of an authoritarian regime that it enlarges the role of the police in keeping the people quiescent. Indeed, the police is the face of authority most seen by the people. Not only do the police become the channel through which the subject receive intimation of the ruler's will, in all contacts between the two the police become the unavoidable intermediary. Even those who claim to rule by popular mandate plant policemen between them and the ordinary people". (1)

In a lengthy article on "Authority and Rights of Citizens in a Captive Society", (Frontier Post), Mr. Ash'ar went on to observe that the police in Pakistan work through brute and savage methods and that police organisation in the country is a state within the State.

Mr. M.B. Naqvi, a senior journalist, writing in "Dawn" (Karachi) on "Facing Facts about the Sind Police", noted:

"Prime function of any police is to maintain law and order on city streets and in the countryside. The record of Sind police, despite testimonials from the President, the Chief Minister and assorted ministers, in this field is the worst among all the provincial forces.

Innumerable cases of law-breaking by police itself have been recorded. In all parts of the province, people do not automatically turn to it in case of thefts, suffering an injury or for redressing a grievance against another citizen. Big-time crime, heroin and gun-mafias, extortion networks, dacoit gangs, smuggling rings, gambling and prostitution dens---continues to grow. Its own involvement has been noted, reported and commented upon.

In previous troubles in Liaquatabad (Karachi) a whole market has been looted in the wee hours of the morning while an indefinite curfew was in force; there were unconfirmed -- and unconfirmable ---reports of friction between army troops and policemen in the area over the matter. Police personnel have been caught for robbery in Karachi on at least two occasions, insofar as newspaper reports go.

The hard facts, insofar as Sind is concerned, are that  
1) its police fails in all its normal functions, and  
2) it has all the undesirable features that can be imagined; it is corrupt in traditional sense, it is

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basically hostile to local populace, it is inefficient and its nexus with crime is no longer a matter of uncertain inference, plus, it is, like all police forces in other provinces, an inheritor of colonial traditions, regarding itself as lords and masters of the public. Who wants such a police force"? (Jan. 1987)

Mr. Mahmood Ahmed Madni, editor, "Jasarat", described the (Pakistani) police as "the most organised crime syndicate", and has in his numerous editorials demanded its total disbandment and replacement with community police force consisting of educated youth.

In its issue of October 26, 1986, "The Nation" (Lahore) published two identical photographs. Both were taken in Lahore, one on December 11, 1972, and the other on August 14, 1986, and both showed policemen beating two persons after stripping them naked in public. On both occasions police had tried to prevent the opposition parties from taking out processions and holding meetings. Not only were the people prevented from exercising their right to assembly and free speech (enshrined in Articles 19 and 20 of the Universal Declaration of Human Rights), they were also beaten and publicly humiliated (in violation of Article 12 of the Universal Declaration of Human Rights). Also, because the police did not register a complaint against any official for treating these people in a degrading manner, the victims rights under Article Eight of the Universal Declaration of Human Rights stood violated. (2)

On March 15, 1984, "Morning News" (Karachi) published the following story:

"Abdul Qayyum, who was once the judicial superintendent and assistant to the then chief commissioner of Karachi Mr. A.T. Naqvi, in 1952-53, has completed about 30 years

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(of confinement) in Mental Hospital, Hyderabad.

He was sent to the hospital at the age of 25 and still there even after 30 years despite the fact that, according to the doctors, he is mentally normal but cannot be set free until his release is secured by his relatives. Mr. Ansar Burney, advocate, who is working for securing better conditions for mental patients told the Associated Press of Pakistan (APP) yesterday that there was no mention in the hospital record as to who got him (Abdul Qayyum) admitted there.

Mr. Burney said that Qayyum had made a fervent appeal to the government for his physical and medical examination and for punishment of those who got him interned in the hospital just to cover their (own) irregularities.

According to the story narrated by him (Qayyum), he was once going home from his office when he was abducted by some persons in a car and when he regained consciousness he found himself at a police station where the late superintendent of police, Mr. Riyasatullah Khan was station house officer at that time. Later he was sent to mental hospital without his (medical) examination." (3)

Abdul Qayyum has since been released, but the government has not ordered any enquiry into the circumstances leading to his long years in mental asylum although the doctors said he was perfectly normal. Neither have the police registered any complaint against those police officials who were, in one way or the other, involved in his internment. No compensation has been paid to Abdul Qayyum for his lost years, and as far as the government and the press are concerned, the case is now a closed chapter.

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Abdul Qayyum probably did not know this or perhaps it does not matter any more that his long years in detention violated some of the articles ( 3, 6, 7, 8, 9 and 10) of the Universal Declaration of Human Rights which Pakistan signed roughly four years before he vanished behind the walls of the mental hospital in Hyderabad.

Notwithstanding Article 9 of the Islamic Republic of Pakistan (Fundamental Rights and Principles of Policy) which clearly says "No person shall be deprived of his life and liberty save in accordance with law", the "Muslim" (Islamabad) in its issue of July 30, 1985, carried a Karachi dateline story which said:

"There are 500 mental patients detained in jails or hospitals since 1939, the antecedents and whereabouts of whose relations are not known. Similarly, about 70 percent of the prisoners in jails are those who have either been implicated in false cases or are not aware of the charges under which they have been deprived of their liberty". (4)

It is a well-known fact in Pakistan that very often policemen in order to show their efficiency would round up poor, innocent people. The reported jailing of 70 percent of total jail population on false charges could well be the work of the police trying to establish its efficiency.

Commenting on the role of police in Pakistan, the U.S. State Department Country Report for 1986 observed:—"Physical abuse of those charged with ordinary crimes is common.....police in Pakistan are ill-trained, poorly paid and rarely held accountable -- factors which encourage both corruption and abuse of authority. Police and

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jailers use "third-degree" methods, and frequently employ the threat of abuse to extort money from the prisoners and their families. The local press regularly report the deaths of prisoners while in police custody". (5)

Cases of police excesses can be divided into few broad categories, i.e. arrest without cause, use of violence at the time of arrest, harassment during investigations, subjecting suspects to third-degree methods, assumption of power to punish people ahead of their actual trial before a court of law, use of force without lawful authority.

Instances of arrests without warrants are a common phenomenon in Pakistan. The police officers get away by simply ignoring the requirement of Police Rule 26(B) which obliges them to report to magistrates of competent jurisdiction any arrest made without a court warrant. The fact that all arrests made without cause are illegal, is not contested.

During the recent frequent outbreaks of ethnic violence in parts of Sind, police arrested hundreds of persons under West Pakistan Maintenance of Public Order Ordinance, 1963, (enacted during Gen. Ayub Khan's martial law). Under Section 3 of this Ordinance "Government, if satisfied that with a view to preventing any person from acting in any manner prejudicial to public safety or the maintenance of public order, it is necessary so to do, may, by an order in writing, direct the arrest and detention in such custody as may be prescribed under sub-section (7), of such person for such period as may, subject to other provisions of this section, be satisfied in the order, and Government, if satisfied that for the aforesaid reasons it is necessary to do so, may, subject to other provisions of this section, extend from time to time the period of such detentions".

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The Ordinance goes on to explain that, "(i) dealing in the black-market or hoarding as defined in the Hoarding and Black-market Act, 1948; or (ii) an act of smuggling punishable under the Sea Customs Act, 1878, or the Land Customs Act, 1924, or under any other law for the time-being in force; shall be deemed to be an act prejudicial to the maintenance of public order".

Also, it is not necessary under this ordinance for the arresting authority to give grounds of arrest at the time of arrest. Moreover, the authority can hold back the reasons for arrest if their disclosures are against public interest. Section 6 of the Ordinance states: "Whereas a detention order has been made under this section, the authority making the order, shall, as soon as may be, but not later than fifteen days from the date of detention, communicate to such person the grounds on which the order has been made, inform him that he is at liberty to make representation to government against the order and afford him the earliest opportunity of doing so". (6)

How the ordinance in question is misused by the government and its various agencies will be discussed in this paper at later stages. But it would be worth mentioning here that Mahmood Ahmed Madni, Editor, "Jasarat", and Mohammad Salahuddin, a senior journalist and both belonging to fundamentalist "Jamaat-e-Islami" told this writer in separate interviews that there is no concept of preventive detention in Islam and fundamental rights given by Islam cannot be abrogated, repealed, suspended or curtailed either in peace or in war. Viewed in that perspective, they said, the West Pakistan Maintenance of Public Order Ordinance (MPOO) would be repugnant to the teachings of Islam.

Asked why the ordinance could not be challenged before the Federal Shariat Court for its anti-Islamic clauses, Professor Chafur Ahmed, Vice-president of Jamaat-e-Islami told this writer that purview of the ordinance has been excluded from the jurisdiction of the Federal Shariat Court.

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Afaque Shahid is a member of the National Assembly from Karachi. The area that he represents -- Orangi Township -- is a low-income group area with a population of about one million people, 70 percent of them are those who fled the former East Pakistan after that wing of Pakistan became an independent state in 1971. More than two hundred thousand of former Pakistanis are still stranded in refugee camps in Bangladesh and whose immediate repatriation to Pakistan Mr. Afaque Shahid has been pressing for since sometime past but without getting anywhere. To give a dramatic turn to his demand, Mr. Shahid, on May 8, 1986, began a fast unto death in Karachi. On May 10, at about 11.30 in the night when Mr. Shahid had completed about 65 hours of his fast unto death, the district authorities moved in. They first imposed an immediate curfew in the area. Then, in Mr. Shahid's own words, a joint army-police operation was launched against the hunger strikers. "I was hit with boots, assaulted with fists and rifle butts, beaten with batons, dumped in a police car and taken to a police station with blood oozing from my mouth. It was a completely peaceful protest and no incident had so far taken place. I was kept in the police station for the whole night and then taken to the hospital in the morning where doctors attended to my injuries. Thereafter, I was taken straight to Landhi Jail (in Karachi) and lodged in an inferior class on the charge that explosive material was discovered from my car. For the next two days I was not allowed any visitor, nor was allowed to see my counsel".

He went on to say that "the case against me did not come up for trial for another two or three months, and throughout the trial I remained in jail as the public prosecutor always opposed my bail plea. The case was eventually thrown out by the court which found severe discrepancies in the prosecution story and the testimonies of its witnesses".

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Mr. Afaque Shahid said that he is the first member of the National Assembly to be brutally beaten by police and the army. Also, he said, his rights as the member of the National Assembly which he enjoys under the law of privileges were flouted by the army and the police as they were legally bound to inform the speaker of the National Assembly fifteen days before arresting me.

Mr. Shahid further told this writer that immediately after his acquittal he moved an adjournment motion in the National Assembly seeking to discuss the breach of his privileges. His motion was immediately admitted and sent to the privilege committee of the National Assembly which is yet to take a decision on it, despite the fact that the committee has so far spent a huge sum of money on summoning witnesses from Karachi and examining them in Islamabad.

Mr. Afaque Shahid's detention violated fundamental rights as guaranteed in the constitution of Pakistan: Article 16 of the Fundamental Rights says: "Every citizen shall have the right to assembly peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order".

Also, Mr. Shahid's rights under Article 19 of the Fundamental Rights of the Constitution of the Islamic Republic of Pakistan, were violated. This article says: "Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam, or integrity, security or defence of Pakistan or any part thereof".

Mr. Shahid's rights enshrined in the Universal Declaration of Human Rights (Articles 5, 7, 8, 9, 19 and 20 (i)) were also violated. He said that when the government can treat a member of the National Assembly in a brutal manner, one can well imagine how "small people" are being treated.

The proof of how "small people" are being treated was supplied by the chief minister of Sind on the floor of the provincial assembly on October 24, 1987. "Dawn" (Karachi) skipped the details, but according to "The Nation" (Lahore, Oct. 25, 1987), the chief minister said that a few cases of maltreatment and torture at the hands of jail staff and police have occurred in jails and judicial lock-ups in the province, as a result of which under-trial prisoners (and) persons in custody died or became disabled. (7)

He, however, said that the question of payment of compensation to the families of the deceased and disabled persons would be considered after the decisions of the trial courts.

The paper went on to quote the Sind law minister as saying that a "few" cases of maltreatment and torture occurred at district jail (Dadu), Central Prison (Hyderabad), Judicial Lock-up, Tando Allahyar (District Hyderabad), Police lock-up, Piryaloi (District Khairpur) and Police Lock-up, Ahmedpur (District Khairpur).

The law minister said that under-trial prisoner Wazir son of Qaiser Leghari, involved in five cases, was disabled and both his feet were amputated at Liaquat Medical College, Jamshoro (Hyderabad), due to maltreatment and torture while in custody in Dadu Jail and Central Prison, Hyderabad. He said that a judicial enquiry was conducted in this case and as a result criminal charges have been registered against Abdul Razzak Jatui, assistant jail superintendent, Dadu, and Ghulam Qadir, chief warden, Central Prison, Hyderabad. Moreover, the minister said, disciplinary action was initiated against five other wardens. (The paper did not report any details of the so-called disciplinary action.)

The paper further quoted the minister as saying that another under-trial prisoner, Mr. Ali Mohammad, died on account of torture on the night between June 24-25, 1987, in judicial lock-up, Tando Allahyar.

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The minister said that following a judicial enquiry conducted into this case, the SHO (station house officer) responsible for the torture has been suspended and further action is being taken against him. (Again no details of the "further action" was provided.)

Talking about the other torture case, the Sind law minister stated that two more undertrial prisoners, Mr. Mohammad Qasim Memon in police lock-up in Pryaloi, and Mr. Maqsood Ahmed Ujjan in police lock-up, Ahmedpur, died on June 3, 1987, and December 31, 1986. ASI (assistant sub-inspector of police) Mr. Mubarak Ali and four constables have been booked in court of sessions, Khairpur, and all of them are in jail, while in second case, a criminal complaint was registered under various sections of Pakistan penal code against sub-inspector (now inspector) Mr. Ayaz Ahmed Soomro, Head constable (now assistant sub-inspector) Ghulam Hyder and constable Mohammad Khan. (The minister did not say when these suspects were promoted to the next higher posts, before or after the undertrial prisoner in question was found murdered.) He said that the cases are pending investigations with police and the accused are on bail by the sessions court!

The U.S. State Department Country Report for 1986, while dealing with Pakistan, said that there was no evidence of government or government-instigated killings. However, it said, according to government figures, some 37 people -- including ten law enforcement officials -- die during the August (14, 1986) violence between government forces and MRD and other political elements. The government asserts, the report said, that all those civilians killed by the security forces were committing acts of violence, e.g. attacking police or railroad stations; the MRD (Movement for Restoration of Democracy) charges, however, that many of those killed were victims of unwarranted use of force by the Government, the report added. (P 1267) (C-6)



Charges about the so-called unwarranted use of force by police and law-enforcement agencies (army and para-military troops) have been repeatedly made by civil rights groups in the country. In any confrontation with demonstrators, it is the usual and standard police practise to first baton-charge the demonstrators. If this fails to have the desired effects, the next step is lobbing tear gas shells. If this also fails to check the crowd, the third and the final step for the police is to open fire "often without warning and more often than not without authorization". Often police have aimed to kill or maim. Government hospital doctors in Karachi who spoke to this correspondent on condition of anonymity, said that during the last year's ethnic violence in the city, they saw scores of deadbodies with head wounds or gun shots in the heart, resulting in what they opined as instant death.

On their part, police would take the stand they fired in self-defence to hold back the "frenzied" mob. On still other occasions, officials claimed that people in the crowd were shot at by other demonstrators. As police carry special weapons and bullets, autopsy reports on victims could have cleared the confusion and may have helped in tracing the killers. Autopsy reports, if one is done in the first place, is never made public.

On December 29, 1986, the High Court of Sind at Karachi admitted for hearing a constitutional petition filed by a private citizen in which he charged the chief minister of the province and other top government functionaries with murder, attempted murder, abetment and criminal conspiracy. (C-9)

The petitioner charged that "as a result of criminal conspiracy the respondents abetted a bloodshed of helpless citizens in Karachi from 13th to 19th December, 1986, in which over 160 innocent persons

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were murdered and burnt alive while over 900 persons were badly injured with the intention of causing their death....The petitioner further alleged that the respondents abetted the criminal acts by their conduct and conspired with the criminals by not taking any action to protect the innocent victims.

He also alleged that the petition had to be filed because his initial attempts to persuade the city police to register complaints against the respondents failed.

Even after a passage of eleven months, the petition has not proceeded beyond initial hearing and is currently held up in constitutional technicalities.

#### ISLAMIC LAWS

The Government's 1979 Hudood Ordinances, promulgated by President Ziaul Haq "in pursuance of the Proclamation of the fifth day of July, 1977, (when he came to power) read with Laws (Continuance in Force) Orders, 1977 (CMLA Order No. 1 of 1977) and in exercise of all powers enabling him in that behalf", prescribed traditional Islamic punishment for theft, adultery and consumption of alcohol and drugs. Penalties include flogging, stoning and amputation. According to Article 5, clause 2 of the Offense of Zina (adultery) Ordinance, the guilty persons, if married, will be stoned to death at a public place, or, if they are unmarried, will be punished with 100 stripes at a public place. (C-10)

In offences against property (Enforcement of Hudood Ordinance), the punishment for theft for first-time offender shall be amputation of his right hand from the joint of the wrist. (Article 9) (C-11)

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"The second time offender will be punished with amputation of his left foot up to the ankle".

Stoning and amputation sentences by lower courts have not been upheld on review, and none has so far been carried out. Nevertheless, the sentences prescribed are in violation of Article 5 of the Universal Declaration of Human Rights, which forbids cruel and inhuman treatment or punishment.

As part of the overall Hudood (Islamic penal laws) Ordinance, President Zia in his capacity as the Chief Martial Law Administrator, also promulgated "The Punishment of Whipping Ordinance" (Ordinance IX of 1979), and it is through the enforcement of this ordinance that serious violations of human rights have taken place. A commentary on whipping published on page 19 of the "Muslim Penal Laws" states,

"There is no embargo either under Cr. P.C. (Criminal procedure code) of Ordinance VII of 1979, or the Whipping Act, 1909, on the administration of the punishment of whipping on a boy aged thirteen or fourteen years. Section 5 of the Whipping Act provides for whipping of juvenile offenders meaning less than 16 years of age. Section 392 Cr. P.C. provides for a maximum of thirty stripes for a person of 16 years of age or more and 15 stripes for a person under 16 years of age....the ordinance does not provide for exemption of a minor from the punishment of whipping. It merely provides that in case the convict is too weak, the number of stripes shall be applied in such manner and with such intervals that execution of the punishment will not cause the death of the convict". (C-12)

Section 4 of the Whipping Ordinance (Muslim Penal Laws, pp 235) relates to specification of the whip. It says "The whip, excluding its handle, shall be of one single piece only and preferably be made of leather or a cane or a branch of a tree, having no knob or point on it, and its length and thickness shall not exceed 1.22 metres and 1.25 cm respectively". (C-13)

The Ordinance goes on to define the condition and the mode of execution of punishment of whipping. In clause "k" it says,

"Such clothes of the convict shall be left on the body of the convict as are required by the injunctions of Islam to be put on". (C-13)

In clause "m", the ordinance says,

"If, after the execution of the punishment (of whipping) has commenced, the authorised medical officer is of the opinion that there is apprehension of the death of the convict, the execution of the punishment shall be postponed until the authorised medical officer certifies him physically fit to undergo the remainder of the sentence". (C-13)

The Whipping Ordinance is silent on whether women convicts would be inflicted lashes by woman warden. Mr. Ansar Burney, President of the Prisoners Aid Society (PAS) told this writer that in Karachi jail, not a single female convict given punishment of lashes was inflicted this punishment by a woman warden.

Mohammad Salahuddin, a scholar on Islam and editor of right-wing monthly "Takbeer", told this writer that according to Islamic injunctions, a woman convict shall be administered the punishment of lashing by a female warden only. He also said that in prescribing the punishment of lashes, Islam did not mean to tear apart the skin of the convict. The idea, he said, is to arouse in the convict a sense of guilt and shame about the offence he or she has committed.



His contentions were supported by another Muslim clergy of Karachi, Maulana Syed Shamsul Hasan, Imam of Masjid-e-Khizra, who told this writer that the lashes mentioned in Whipping Ordinance are "military lashes" and not Islamic lashes. He said that the Islamic punishment of lashes does not differ from the canning a school headmaster gives to a naughty pupil.

As regards the age of the convicts who could be given the Islamic punishment of lashes, Maulana Hasan said that the minimum age should not be less than 16 or 15. As for the maximum age, he said that a sixty-year-old person cannot be given the punishment of lashes. As an alternate, an Islamic court would send people over sixty years of age to undergo jail sentences, he said. He dismissed the Whipping Ordinance promulgated by the Zia government as wholly "un-Islamic".

Notwithstanding the cruel nature of the sentence of flogging, the case of at least one woman prisoner who was flogged in Karachi jail was reported by "Star" (Karachi) in its issue of July 22, 1987. According to the report, thirty-year-old Bukhsana Yusuf, who had been sentenced by a Shari'at (Islamic) court to five years in jail, along with alleged "paramour" for committing adultery as both of them failed to prove in the court that they were married to each other, was flogged in jail by a male warden only a day before her release. (C-14)

Ansar Burney, president, PAS, was quoted as saying that the lashing took place against medical advice because Bukhsana Yusuf was at that time suffering from high blood pressure, gastric ulcer and Utero-vagina prolapse. So the punishment of lashing in this case violated the victim's rights enshrined in Article 5 of the Universal Declaration of Human Rights.

The slogan and the copy of the advertisement read:-

"The Pakistani woman -----

In theory a saint; in reality a slave

In a State dedicated to the enforcement of a way of life in which "heaven lies at the feet of mother" less than 2 woman out of every ten can read or write the very words that give them this exalted status. The remaining eight women stay lost in the darkness of ignorance ..... literate illiterate, the overwhelming majority of Pakistani women are confined within the man-made prison of a stereotypical "female" life". (C-15)

The advertisement was issued and published by a private advertising agency in an attempt to draw attention to the plight of woman in Pakistani society. Even otherwise, they are on the top of the list of people whose rights are most violated. Consider the case of Ruqaiya Bibi whose plight was reported in the press. Ruqaiya appealed to the (then) deputy martial law administrator, Multan (Punjab) and other senior officials of the district to save her from the clutches of some influential landlords of (village) Qasba Paiga (Dera Ghazi Khan district) who have been keeping her in unlawful confinement and subjecting her to criminal assaults. Whenever she tried to run away, they gave her a severe beating, the papers said.

There was no follow-up of the story so we do not know what action, if any, was taken on the complaint of the poor woman whose rights under articles 3, 5 and 12 of the Universal Declaration of Human Rights were violated.

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According to information released by the Bureau of Police Research and Development, Ministry of Interior, Government of Pakistan, and published in "Criminal Justice" (printed by Pak Muslim Academy, Lahore), the number of rape and adultery cases in Pakistan rose from 1685 in 1983 to 1842 in 1985 (pp 49), the last year for which such information is available. It may be mentioned here that these cases took place at a time when Islamic laws carrying stringent punishment for rape and adultery had been implemented in Pakistan. No official figures are available on how many, if any, male offenders involved in crimes against women were caught, tried or convicted during the past years. It is not the official practise here to release such information periodically and almost put of the question for a private citizen to get such information from a bureaucrat. (C-16)

In a Lahore dateline story released recently by Pakistan Press International, the law minister of Punjab was quoted as saying on the floor of the Punjab assembly that during 1984, a total of 2,397 women were reported kidnapped in the province. In 1985, he said, the number of the kidnapped women had gone up to 2,476. (C-17)

It is a well-known fact that many cases of rapes and kidnappings are not reported to police for the fear that the resulting publicity would damage the family's prestige and name.

In its issue of October 12, 1987, "Dawn" (Karachi) carried a story from its National Assembly correspondent in Islamabad. It quoted two woman members of the National Assembly, Pashida Pasha Khuro (Larkana) and Durreshahwar Mazari (Dera Ghazi Khan) as saying "We women are deeply concerned about the rise in crimes against women in Pakistan, particularly in the rural areas. We feel frustrated because nothing specific is being done to bring down the (rising) excesses against women".

(C-16)



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Durreshahwar was reported as saying that during the first six months of 1987, 780 cases of crimes against women were committed in Punjab. She went on to say that most of the male offenders got-away scot-free despite the violations of human rights because the Hudood Ordinance was totally biased against women.

On August 31, 1987, Dawn carried another report, this time from its Lahore Bureau. The report said that a judge of the Lahore High Court has directed the Additional Sessions Judge, Narowal (district Sialkot) to produce the record of the case against those guilty of stripping a woman of her clothes and parading her in village Budha Khurd, Sialkot.

Another story of the same incident reported by The Nation (Lahore) in its issue of August 30, 1987, added, "according to the news the accused party had brutally beaten a woman, Safia Bibi, and forced her to walk through the village stark naked. The accused party also forced her to drink dirty water of a pond".

Barrister Shahida Jameel told this writer that the Pakistani society is still feudal in its outlook towards women. "They are considered a personal property so long as they are useful, after which they can be dumped and discarded. The unmarried girls are sold in "phony" marriages to the highest bidder".

She said that there are still many homes in Pakistan where the birth of a daughter is a matter of sorrow. In fact, she said, in a number of cases wives have been divorced for giving

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( 22 )

birth to one daughter after another. The daughters, Jameel said, are brought up with an in-built theory about their supposed sub-ordination to men, and in almost 98 percent of families, even among the so-called elite and the educated classes, girls are rarely allowed to marry men of their choice. "The marriages, in an overwhelming number of cases, are arranged by parents who conveniently ignore to seek the consent of the girl".

Women suffer violations of their rights not only as "free" citizens, they undergo gross violation of their fundamental and human rights within the four walls of jails. "Morning News" (Karachi) reported in its issue of December 27, 1983, that a superior court in Karachi has ordered the production in court of a woman arrested on the charge of murder and confined in Karachi jail since March 1980 unnoticed. (C-17)

Another Karachi paper "Star" in its issue of March 28, 1984, reported that a court in Karachi has ordered that a 28-year-old woman who had been in Karachi jail since January '77, without any criminal charges against her, be shifted to mental hospital, (C-18) Hyderabad. The court, however, did not order any action against jail officials who kept a lunatic woman in jail for seven long years, although under the "Lunacy Act", mentally disturbed persons could be kept in jail for not more than a month for the purpose of observation. The unfortunate woman had her rights enshrined in Articles 5, 6, 7, 8, 9 and 10 of the Universal Declaration of Human Rights violated.

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Jails in Pakistan can be easily defined as one of the two places where worst form of human rights violations take place. The other place is police station. Still governed by the Prison Act of 1894, conditions inside most of the country's 74 jails are no less grim than in Dante's "Hell". The U.S. State Department Country Report for Pakistan for 1986 (pp 1267) said,

"The Prisons are overcrowded, reflecting Pakistan's lack of resources and low priority given prison reforms. The Karachi Central Jail, built to house 930 persons, currently holds 3,000 prisoners under "normal conditions". In the Dadu (Sind) District Jail, prisoners sleep in shifts because there is not enough room for all of them to lie down at the same time. Three classes of prison facilities exist. Class "C" cells, which generally hold common criminals, suspected terrorists and low-level political workers, usually have dirt floors, no furnishing, and poor quality food. The use of handcuffs and fetters is common in "C" cells. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods". (C-19)

According to "Report on Prison Reforms", submitted to President Ziaul Haq in 1985 but has not yet been accepted, the total number of prisoners in 74 jails of the country on July 31, 1984, was a little over 43,500, of whom only 18,000 were convicts and the rest under-trials (pp 20). It goes on to disclose that every year about 35,000 juveniles between the ages of 9 and 19 are booked by police and sent to jails. (pp 20). Additionally, it reported on the same page that 300,000 persons out of 400,000 arrested annually by police on various charges, are sent to jails on judicial remand pending their release either on bail or acquittal by courts. (C-20)



On page 21, the report said that the authorised capacity of the 74 jails in the country in December 1984 for condemned prisoners was 1030, but 2105 (condemned) prisoners, almost double the authorised numbers, were being kept. It said that hundreds of prisoners sentenced to death by sessions courts are languishing in jails because their appeals have not been finalised by higher courts. (The prisoners thus suffered violations of their human rights under Article 5 of the Universal Declaration of Human Rights.) (C-21)

On page 24, the report said, "For all practical purposes the prison is at the mercy of the low-paid (jail) staff. The under-paid and over-worked staff of the ill-manned and over-crowded prisons treats the prisoners in accordance with its very own standards and choices. No attention is given to the welfare of the prisoners because a staff member whose own welfare has been ignored cannot be expected to think about others' welfare. The irritated and fatigued wardens and even officers sometimes resort to brutal and merciless beating of the prisoners and often they are denied the facilities to which they are ordinarily entitled. All favours and deprivations rest at the exclusive discretion of the jail superintendent....." (C-22)

The "Report on Prison Reforms" continues: "The condition of the under-trials is no better (pp 25). Most of them rightly and legitimately believe that they have been wrongly framed and would be acquitted only after a proper process of law. In some cases trials do not take place without delay. Such under-trials develop and nurture grudge against the administration and the society due to denial of freedom and justice. Their families share this feeling of frustration, thus leading to discontentment in the society. The cases linger on on one pretext or the other and the under-trial has to resort to illegal gratification to expedite the trial and the finale".

(C-23)

On page 31, the report said: "All possible efforts are undertaken in the civilised world to see that a youth is kept away from prison. This has been ignored in Pakistan and in 1975 there were 292 males and three females below the age of 16 in Punjab prisons alone. In 1978 this number rose to 299 males and four females. In 1984 their number rose to 350, including five females". (C-23)

The report also criticised the discretionary powers of the jail superintendent to put a prisoner in barfettters, and described it as a factor responsible for humiliation of a prisoner (pp 31). In several cases the report found that a prisoner was put in barfettters only because he fell foul with the jail authorities. Barfettters, it observed, have in many cases made a prisoner more hostile, defiant and restive.

It was probably these prison conditions which caused the deaths of three prisoners in Sind jails during the last one year alone. The prisoners, Umar Lound, Allah Dino and Mir Mohammad Jaskani reportedly died due to ill-treatment in jails. A detail report filed in this connection by Amnesty International is enclosed.

(C-24)

#### MINORITIES

Persecution of religious minorities is a latter-day phenomenon and is confined mostly to the group of people who call themselves Ahmadi Muslims. The Ahmadis consider themselves as Muslims and act and worship like Muslims. They have some doctrinal differences with other sects of Islam, which is why they are a separate sect. There are about three million Ahmadi Muslims in Pakistan, making the sect relatively small.

The Ahmadiya Movement was founded in 1889 by Mirza Ghulam Ahmed and it has become a missionary movement with followers throughout the

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world. Mirza Ghulam Ahmed claimed to have received revelations that in his person the "Mehdi" had become present and that he was "also the Promised Messiah and was indeed the prophet whose advent had been foretold in the principle religions of the world".

This was the first issue on which the Ahmadi Muslims came into direct conflict with other Muslims who believed that Mohammad was the final (last) prophet.

In addition Mirza Ghulam Ahmed also claimed that, contrary to the general Muslim view that Jesus Christ had been raised to Heaven alive and would descend to earth again, it had in fact been foretold that another person with Jesus Christ's attributes would appear and that he (Mirza Ghulam Ahmed) was that person. He also saw himself as appointed by God for the revival and support of the true faith of Islam and his followers continue to worship Allah much the same way as other Muslims.

However, despite seeing themselves as part of the broader Islamic movement and having been treated as such under Pakistan's constitution since independence, other Muslims have repeatedly declared Ahmadis to be heretics. The main reason given for regarding Ahmadis as heretics is the claim by their founder to be a prophet, which is said by other Muslims to be incompatible with accepting the finality of the prophethood of Mohammad. However, Ahmadis deny that they are calling this finality into question as their founder was a prophet without a new law and was, therefore, only claiming to be the inspired interpreter of the Quranic message and to be bringing the message of rebirth and renewal of the one true religion. This distinction has not, however, been readily accepted by other Muslims and their agitation against Ahmadis has resulted in wide-spread riotings in

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March 1953 and May 1974. Following the May '74 riotings, fundamentalist Muslims demanded the government to reclassify Ahmadis as non-Muslims. The then National Assembly in which the Pakistan Peoples Party (PPP) of the then prime minister Zulfikar Ali Bhutto had a majority, took up the issue and decided on September 7, 1974, by a near unanimous vote to amend the constitution. The amendment read,

" A person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) the last of the prophets, and/or claims to be a prophet in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him), or recognizes such a claimant as a prophet or a religious reformer, is not a Muslim for the purpose of the Constitution or Law".

The amendment made Ahmadis a non-Muslim minority. However, the amendment did not establish any ground on which courts could issue injunction to restrain Ahmadis from calling their place of worship a mosque (masjid) or from using the traditional call to pray (azan) in it or from offering their prayer in a manner laid down by Islam.

The first real consequence flowing from the reclassification of Ahmadis as non-Muslims came on April 26, 1984, when Ordinance XX issued by President Ziaul Haq provided prison terms of up to three years and unlimited fine for any member of the Ahmadiya Movement, the "Lahori" group or the "Qadiani" group whom use certain words of addresses, who calls his or her place of worship a "masjid" (mosque), who recites the "Azan" (the Muslim call for

prayer), who "posed himself as Muslim, or calls or refers to his faith as Islam, or preaches or propagates his faith.

The Ordinance also provided a prison term of up to three years or fine for anyone who

"by words, either spoken or written or by visible representation or by any imputation, innuendo or insinuation, directly or indirectly"  
(C-25)

defiled the names of these personages. These were epithets, descriptions and titles that would be used in relation to Muhammad, his wife, family and successors, such as "khalifatul Muslimeen" and "ummul mumineen", and which Ahmadis would normally use in relation to Mirza Ghulam Ahmed, his wife, family and successors on the basis that he was a reflection of the Prophet Muhammad.

The effect of these additions to the Pakistan Penal Code has been to impose stringent limitations on the religious freedom of the Ahmadis. Not only are they prevented from using many of the Islamic forms that have been part of their traditional religious practice, but they are also expected to repudiate a central tenet of their beliefs as a result of the prohibition on associating themselves or their faith in any way with Islam.

Some of the offenses are also framed in such broad and subjective terms that considerable discretion is left to the courts, and it is very difficult to know in advance whether the pertinent section is being transgressed. This is particularly true of the prohibition on posing, directly or indirectly, as a Muslim and on outraging "in any manner whatsoever" the religious feelings

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if Muslims has indeed proved to be extensive.

It is beyond dispute that Ordinance XX violates the freedom of religion of Ahmadis. The Universal Declaration of Human Rights (Articles 18 and 19) and the Declaration on the Elimination of all forms of Intolerance and Discrimination based on Religion or Belief (Declaration on Religion, Art. 6) provide very clear standards for religious freedoms and freedoms of conscience and expression.

Ms. Karen Parker, attorney at law and special representative of Human Rights Advocates, Inc. (Berkeley, Ca., USA) in her report on Human Rights in Pakistan (Aug. '86, pp 16) quoted President Ziaul Haq as saying "Ahmadis offend me because they consider themselves Muslims.....Ordinance XX may violate human rights but I don't care". (C-26)

A number of Ahmadis have been charged or convicted for having in some way displayed extracts from the Quran. According to information provided to this writer by prominent Ahmadis in Karachi, the following are some of the Ahmadis who were either arrested or convicted for displaying extracts from the Quran.

Mohammad Idrees (Peshawar, September 8, 1986), Javed and Shabbir Ahmed (Mardan, NWFP, Sept, 17, 1986) and Munawwar Ahmed (Quetta, Baluchistan, Sept 21, 1986).

The above persons were charged for displaying in their shops the "Kalima Tayyaba" (meaning, "there is no god but Allah and Mohammad is His prophet).

Rana Karamatullah, Abdul Qadir, Rana Mubashshir Ahmed and Aziz Qadir were hauled up in Mansehra (NWFP) on 24th and 25th October, 1986, for having displayed a verse from the Quran on a wedding card.

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Four Ahmadis are currently under sentence of death in Pakistan. Naeemuddin and Mohammad Ilyas Munir Murabbi are held in jail in Sahiwa (Punjab) in what is known as Sahiwal case, and two brothers, Naseer Ahmed Qureshi and Rafi Ahmed Qureshi are lodged in Sukkur Jail (Sind) in what is known as Sukkur Case.

According to the details of Sahiwal case provided by local Ahmadi groups, it involves the death of two companions of Abdul Latif (complainant) who, along with a number of other orthodox Muslims went to an Ahmadi mosque at 4.45 a.m. on the day of the incident to verify that the Ahmadis were violating Ordinance XX by making the call to prayer and by having an Islamic inscription (Kalima) on the building. Latif's group also had a bucket of paint and brushes which they used to paint over the kalima on the outer gate of the mosque. The group then entered the mosque compound and began painting over other Islamic inscriptions. The caretaker of the compound, Naeemuddin, tried to urge them to leave, finally firing a warning shot from his gun. The mob turned on him and he fired several more shots, one hitting Qari Bashir Ahmed and the other hitting Azhar Rafiq. Both persons died as a result of gun-shot wounds.

During the trial the prosecution admitted that Latif's group came from Jamia Rashida. seven kilometres from the Ahmadi building, and they considered Ahmadis "infidels who should be beheaded".

Eleven Ahmadis were arrested in this case and were charged with unlawful assembly and murder. No one in Latif's group was charged. Charges against several defendants were dropped after the Sahiwal Bar Association passed a protest resolution.

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The case was tried by Special Military Court No. 62 in Multan , with judge Lt. Col. Munirur Rehman presiding. On June 16, 1985, the court acquitted Mohammad Ishaque, and found the remaining six defendants guilty. Ilyas Munir and Naeemuddin were sentenced to death and the rest were sentenced to seven years hard labour each.

The Martial Law Administrator (Punjab) Lt. Gen. Ghulam Jilani Khan, revised the order on October 8, 1985, because "the complainant party appears to have taken the law in its hand" and while "Naeemuddin had exceeded the right of self-defence, the murder convictions were based on doubtful evidence and not legally sustainable".

On remand, the Multan Special Military Court, with no review of the evidence as mandated by the Martial Law Administrator, upheld the death sentence and increased the sentences of other defendants to life imprisonment.

President Zia, acting under powers as Chief Martial Law Administrator, confirmed the death sentences in February 1986 (Martial Law had been lifted on December 31, 1985). Petitions challenging the convictions have been filed with President Zia who, as yet, has not taken any action.

The Sukkur case arose from bombing of a mosque on May 23, 1985, in Sukkur in which two persons were killed and twelve others injured. At least 25 Ahmadis were immediately arrested, including women and children, who were sent to a detention camp.

There had been much anti-Ahmadi activity in Sukkur. The previous year the head of the Ahmadi community (father of the two Qureshis now awaiting death sentence in Sukkur case) and another Ahmadi had been

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murdered. Five other Ahmadis were murdered in other areas of Sind during the same period.

Most persons originally arrested in the mosque bombing case were released within a week, but Nasir Ahmed Qureshi, Rafi Ahmed Qureshi, Mahmood Ahmed Qureshi, Mohammad Ayub, Hameedullah Khalid, Zafarullah Alvi and Muzaffar Ahmed Malik were sent for trial before special military court No. 33.

At the trial which did not begin until November, 1985, prosecution produced two eye witnesses who swore that the two Qureshis had not thrown the bomb. The defence counsel indicated that the two eye witnesses had been shown the defendants prior to the identification parade, a fact which seriously taints all their testimony.

On March 3, 1986, the defendants were notified by means of warrants issued by martial law administrator, that five defendants were acquitted while the Qureshis were convicted and given death sentences. (As of Dec. 31, 1985, there are no more martial law administrators). The defendants who were given 30 days to file a "mercy petition" with President Zia, had not been provided the court findings and confirmation of sentences. This was in violation of Articles 5, 7, 8, and 9 of the Universal Declaration of Human Rights.

The U.S. State Department Country Report for Pakistan for 1986, said,

"Officially designated as non-Muslims, Ahmadis are subject to widespread discrimination and harassment and have limited chances of advance-

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COMMUNAL DEVELOPMENT & HUMAN RIGHTS

By Sa'adat Rizvi

4) RESPECTING HUMAN RIGHTS

A serious review of the condition of human rights in Pakistan in its short history of less than four decades would reveal horrifying realities and rapid deterioration in this field. Arrests, detentions, torture and death in police and jail custody, death sentences without proper trial and long years of detention without trial, all of these have become so routine a matter which generally does not raise more than a few eye-brows. "What I don't see, does not concern me" seems to be the attitude of the people on the street. Violations of human rights with little or almost no regard for law and human dignity have become so common that for an overwhelming number of people in this country such infringements of fundamental rights have become a way of life.

According to some senior teachers in the departments of sociology and political science in the University of Karachi, a "I-could-not-care-less" kind of a behaviour exists in most Third World countries, particularly in those countries where illiteracy abounds, a handful of population controls 95 percent of the country's resources and where military and civilian dictators have denied their population political, economic, social and religious rights.

In such societies, the teachers argued, most people are just not aware of their rights or the rights of other people. In fact, these people have very little time left after their endless search for bread and shelter to think about anything else. There exists a vacuum in which the stronger and the more powerful venture first and violates the rights of the weaker section of the population, the teachers said.

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In Pakistan, a number of agencies are supposed to be directly or indirectly responsible for safeguarding the fundamental rights of the population. They are,

1. The Legislature (through law-making),
2. Government (enforcement of law through its functionaries, specially police and lower tier of judiciary),
3. Courts (though swift interpretation of laws) and
4. Bars and the media (by raising voices against unjust laws).

The legislature in Pakistan, National Assembly, is the first such agency which failed to make laws to safeguard the rights of the people. The Constitutional (Eighth Amendment) Act of November 11, 1985, passed unanimously by the National Assembly and which paved the way for the lifting of Martial Law on December 31, 1985, actually validated all actions taken during eight and a half years of Zia's martial law. All laws made between the fifth day of July, 1977, when Gen. Zia seized power) and November 11, 1985, were declared to have been "validly made by competent authority" and neither the affirmation clause nor the laws themselves are subject to judicial review. This amendment dramatically altered the constitution with no participation of the citizenry. Through amendments introduced as Article 270A, courts were barred from reviewing any order and law adopted or framed under proclamation of July 5, 1977, and subsequent amendments in the constitution.

Earlier, through Article 16 of the Provisional Constitution Order, 1981, Gen. Zia had assumed the power to amend the constitution. Article 16 of the Order said, "The President as well as the Chief Martial Law Administrator shall have, and shall be deemed always

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to have had, the power to amend the constitution". (D-1)

The Provisional Constitution Ordinance (PCO) 1981 was made before an appeal could be heard in the Supreme Court from a decision of the Full Bench of the Quetta (Baluchistan) High Court which unanimously declared that certain insertions and additions in constitutional clauses failed to come up to the "test of necessity" (under which the Supreme Court had earlier decided that the Chief Martial Law Administrator had validly assumed power by means of an extra-Constitutional step, in the interest of the State and for the welfare of the people) and were "ultra vires" of the power of the Chief Martial Law Administrator (CMLA) even though he acted as President while promulgating these amendments".

Although leave to appeal to the Supreme Court had been granted, leading lawyers were of the view that the regime was not prepared to take any chances before the Supreme Court and the PCO, 1981, was promulgated.

The most indvidious of the PCO's provisions is Article 17 which (2) required the judges of the supreme court and high courts to take a fresh oath to act faithfully in accordance with the PCO, 1981, and to abide by it. The ordinance, by far, was the most serious infringement of the power and the respect the judiciary in this country enjoyed. It provided that if a judge failed to take oath or if the president did not call upon a judge to take such an oath, he would cease to be a judge. Several judges, including the then Chief Justice of Pakistan and two Supreme Court judges, refused to take the oath, and several high court judges were simply not invited to do so. As a result, President Zia, also acting as CMLA, effectively dismissed approximately 16 Supreme Court and High Court judges.

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Through these drastic measures, President Zia succeeded in turning the judiciary into a pack of court clerks who were at the mercy of their employers. Through other articles of the PCO, 1981, the military government further curtailed the powers of the courts. Article 9, clause 4(a) of the PCO said, "A High Court shall not make under this article an order prohibiting the making, or suspending the operation, or an order of detention of any person under any law providing for preventive detention".

Under other clauses of this article, the courts were also barred from making an order for the release on bail of any person detained under any law for preventive detention.

Under Article 10 of the PCO, 1981, the President assumed the power to transfer a High Court judge to any other High Court, with his consent and after consultation with the chief justice, but such consent and consultations would not be necessary if the transfer is for a period not exceeding two years at a time. (3)

While the Eighth Amendment Act of 1985, deprived the National Assembly not only the power to repeal laws made during Gen. Zia's martial law, but also to discuss them. Through PCO, 1981, the courts, too, lost the power to question the legality or otherwise of the laws given indemnity under the Eighth Amendment Act.

The most damaging effect of these amendments is the loss of the rights of hundreds of political prisoners sentenced by military courts to death and long prison sentences, to retrial before a civilian court.

No one, not even the human rights associations and groups in Pakistan, knows the correct number of such prisoners, and the government never gave any details about such cases. Mr. Rafiq Safi, convenor of the

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Political Prisoners and Human Rights Committee, Sind, estimated that there are about 50 persons who are under death sentences given by military courts and over 450 political prisoners all over Pakistan. But Amnesty International said in its 1987 report that there were over 100 political prisoners sentenced to long periods of imprisonment during martial law. It said that these persons had been sentenced in closed trials, with no right of appeal. Amnesty further said that it believed their trials failed to conform to international standards of fairness and was concerned that they still had no form of judicial redress.

Although the Writ Jurisdiction was restored to the High Courts on the lifting of the martial law, Article 270A effectively curbed any judicial review of martial law actions or laws in respect of which many hundred petitions challenging Martial Law orders as well as actions taken, are still pending hearing. According to some lawyers, the crucial issue yet to be determined is whether the superior courts have the jurisdiction to review malafide actions, abuses of power or ultra vires actions on part of any martial law authority.

The Nation (Lahore) in its issue of October 4, 1987, carried a report which quoted prime minister Mohammad Khan Junejo as saying that he would take a decision on the fate of the detainees convicted under the Martial Law before long.

According to the report, the prime minister said that the Senate committee had presented its report (on martial law detainees and convicts) to him after careful deliberation. He said he would now look into the recommendations of the committee, which was formed to study the whole question, and give his decision.

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Commenting on the prime minister's assertions regarding the martial law cases, the same paper said the next day:

"The being in the Prime Minister's court, the question is: what chances are there for its (the report) getting examined and implemented? One knows, of course, that when far less sensitive issues, such as those of the universally condemned Press and Publications Ordinance, can remain unattended with Ministers for years, presumably because of their political preoccupations, a sensitive matter like that of martial law cases would stand even less chances of early disposal".

The editorial went on to say,

"After the passage of the Eighth Constitutional Amendment, the responsibility of any wrong that might have been done to the people is no longer of the Martial Law regime. Now it is Prime Minister Junejo's government which carries that legal responsibility. It is not martial law now that carries the blame for delay in providing justice. The PM will have to find time to attend to the Senate report at his earliest convenience".

Senator Javed Jabbar told this writer that since the Senate report is a confidential document, he could not discuss it. But, he said, he supported general amnesty for all those detained and convicted by martial law government. Alternatively, he said, the detainees and the convicts should have the right for a retrial in a civilian court.

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But what about those who were hanged, lashed or sentenced to long prison terms? Will they or their families be compensated for the wrong done to them? Will the judges of the former military courts be called to trial for unlawfully constituting a court and passing out illegal sentences in complete violation of international norms? The Prime Minister and (perhaps) the Senate Committee report is silent on the subject.

Dr. Zafar Arif and Professor Jamal Naqvi are among hundreds, perhaps more, such cases in which persons were tried by military courts on the allegations of holding political views different from that of the government. They were never actually convicted, but, nonetheless, ordered detained without any lawful authority.

Dr. Zafar Arif, formerly associate professor, Department of Philosophy, University of Karachi, was served with a notice issued by the then martial law administrator of Sind, in September 1984. The notice accused him of working against the ideology of Pakistan, and of instigating the students against the government.

Roughly three weeks later, Dr. Arif who holds a doctorate from Reading University, England, was dismissed from service under a martial law order and detained for 90 days in Karachi jail. Dr. Arif's detention order was in violation of his rights under the Universal Declaration of Human Rights as no specific charges were filed against him and he was never brought to trial. His dismissal, too, was illegal as he was denied the due process of law to answer charges levelled against him.

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In January 1986, when there was no martial law in the country, Dr. Arif's detention order was extended by another 90 days in violation of his rights under Articles 6, 7, 8, 9 and 10 of the Universal Declaration of Human Rights. The orders were finally withdrawn four months later and Dr. Arif was set free. He is currently without a job and does not know how and where to seek remedy and compensation for his illegal dismissal from Karachi University and his detention without trial.

Fiftyfive-year-old Jamal Naqvi was the head of the department of English at the Government Urdu Science College, Karachi, when he was detained in July 1980 under martial law orders for keeping subversive literature and inciting students. Naqvi told this writer that for ten months after his arrest he was kept in solitary confinement (violation of Article 5 of the Universal Declaration of Human Rights) and was interrogated by the military about the charges brought against him. All these months, he said, his family was totally unaware of his whereabouts.

He was detained in jail until 1986, without any lawful authority. After the lifting of the military rule, a civilian court bailed him out. But he is still under suspension from the job and seven years of detention has turned him into a patient of high blood pressure, artheritis and diabetes. Naqvi has no idea who would compensate him for his lost years and the resulting failing health. But neither does the government, nor the courts.

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In an editorial on the delay in the review of martial law cases, "Dawn" (Karachi) said in its issue of October 13, 1987,

"In the past, civilian governments taking over from Martial Law regimes have been very sensitive about sentences awarded by military courts, leading to instances of general amnesty or a process of judicial review of specific cases. The parliamentary committee constituted to work out a formula for a review of the "hardship cases" itself took a very long time to complete its report. It was formed in January '86 and the report was completed by June 30 this year. Announcing the completion of this assignment, the Federal Minister for Justice had hoped, on July 9, that the final decision to evolve the necessary executive and legislative measures for allowing the superior courts to review such cases would be taken soon. One fails to understand what was expected to materialise "soon" is still nowhere in sight".

Mohammad Faridul Haq, the lawyer from Karachi, expressed his frustration by saying that political matters seems to have taken priority over the issue of those languishing in jails after their conviction by "kangaroo courts". He was of the view that the political government was trying to avoid a confrontation-like situation with the army by taking any hasty action on the question of martial law convicts. But, he said, the political government will have to prove, sooner or later, that it is more powerful and popular than the military government from whom it inherited these complicated issues.

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Mr. Justice Dorab Patel, a former judge of Pakistan's Supreme Court, emphasising the need of a strong judiciary and bar as vital to fundamental rights (Frontier Post, Oct. 24, 1986) said that there was no tradition of martial law in the common law jurisprudence inherited by Pakistan and when Gen. Ayub Khan imposed martial law in 1958, this came up for consideration before the Supreme Court in what is known as "Dossa Case". Mr. Yahya Bakhtiar, he said, challenged its legality but the court held that a successful military coup created a new legal order by which the court was bound. As this decision upheld the abrogation of the constitution, the fundamental and human rights guaranteed in the constitution were destroyed, he said. Mr. Patel said that the court further upheld the claim of the military authority that they were the supreme judge and its orders and legislations could not be questioned. Thus, he said, the rights that were enshrined in our constitution, in the penal code, in the criminal procedure code and the evidence act were all destroyed and there was no human rights.

In his lengthy paper on "The Moral Basis of Islamic Law: How does it Operate", senior lawyer Khalid Ishaque said (page 18): "it is an elementary principle of constitutional law, that neither of the elemental functionaries of the constitution like the national legislature, the national executive and the national judiciary, can decree their own extinction by delegation or surrender of their functions to the other; and by the same token nor can one such basic constituent of the constitution take over the function of the other. Should such a situation arise, it would spell the end of the constitution. What Article 270A (validation of laws) says that in relation to all actions, legislative or judicial, during the period of Zia's regime, the national legislature has

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has given a judgement that there is nothing wrong with them; neither the constitutional limits have been violated nor the individual rights. It is clearly a case of usurpation of judicial functions, about a whole over eight-year long period of Pakistan's history. All wrongs done, even under un-Islamic and unconstitutional laws made during this period would remain without redress and for law validity will be presumed notwithstanding the Constitution, and for every act of every functionary, howsoever high or low, courts shall presume that it was done bonafide and for the purpose of the law under which it was purported to be done". (4)

So while human rights activists and constitutional lawyers try to define what constitutes violation of human rights, and a political government allowing itself to be guided by political expediencies, there is no slution in sight for thousands who suffered during the dark years of military dictatorship.

Ms. Karen Parker in her report on "Human Rights in Pakistan" (Aug. '86, page 27) said that since 1977, Pakistan has arrested and detained thousands of persons for acts protected by international human rights laws. For the periods governed by martial law, the martial law orders allowed for detention of 90 days (extendable for up to two years) for acts "prejudicial to the regime". These provisions kept many opposition leaders in jail or under house arrest for years. Ordinance XX has resulted in hundreds of Ahmadis being subjected to arbitrary arrest and detention, making them, too, political prisoners. Highly publicised "political sweeps" occurred during the referendum in December 1984 and the election in February 1985 when as many as 1,000 poli-

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tical opponents of President Zia were arrested or detained". (5)

Ms. Parker went on to say "Attorneys trying to defend political prisoners have become political prisoners themselves....more than 400 attorneys had been arrested in 1983 and subjected to military proceedings.....arrests of attorneys have continued, with some attorneys being arrested, then released, then arrested again, then released again". (6)

On November 8, 1987, the Karachi Bar Association sent a letter to the Chief Justice of the Sind High Court, requesting him to constitute a separate bench of the court to hear detention petitions. (7)

The president of the Karachi Bar Association, Mr. Rasheed Razvi said in the letter that "since August 1987 a large number of people were detained under the M.P.O. (Maintenance of Public Order Ordinance) and hundreds (of) constitutional petitions calling in question the preventive detention of these persons were filed before the court.....most petitions remain undisposed till the detention order expires, and, in cases where detention is continued, entails filing a fresh petition involving more time".

Senior lawyers said that court work suffers from an inadequate number of judges, with the government making little or almost no effort to fill in vacancies pending for years. Mohammad Faridul Haq said that there are only 13 judges in the High Court of Sind, while seven posts of judges which are vacant for months now have not been filled up by the government". He said that the government has often offered such posts as political bargains, "something

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that often affects the quality of judicial work."

He said that while it is true that courts do not have sufficient number of judges on the bench, "it is no reason for the existing number of judges to show low efficiency and low output".;

He said that citizens have suffered not only at the hands of a inconsiderate establishment, they also suffer because some judges, for reasons best known to them only, do not take full interest in the case when the liberty of a citizen may be at a stake. He said that from the moment a petition is filed challenging the detention of a citizen, so much time is allowed to go waste on filing of a reply and counter reply by the State that by the time most petitions come up for regular hearing the government has already withdrawn the detention orders or replaced it with fresh detention orders, leaving the court no option but to declare the petition as "disposed off". Since a fresh detention order has been issued, the petitioners and the lawyers are forced to begin it all over again.

Although the courts are not barred by any law to go into the merits or demerits of a detention order even if it is withdrawn before the courts could decide on its legal status, the judges, Mr. Haq said, have very rarely exercised this option. "If they decide it once that a detention order was illegal even though it may have been withdrawn, the government will think ten times before issuing the next detention order against any citizen", Faridul Haq said.

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#### RIGHTS OF THE WORKERS

Workers in Pakistan have been treated no differently than people in other spheres of life. They have been dismissed without charge, economically exploited, arrested on flimsy charges and, in a number of cases, denied the right to form trade unions. In fact a very large number of workers in Pakistan have been victimised for their trade union activities.

Mr. Nabi Ahmed, Secretary, United Workers Federation which claims a membership of over one hundred thousand workers, told this writer that at the time of independence, only police and defence forces were barred from forming trade , but, gradually and step by step the government expanded the infringement of the right of workers to form trade unions and go on strike.

He said that the government which is the biggest employer in the country has given trade union rights to the employees of the railways, Telegraph and Telephone and Post Office departments. Other government workers are denied the right to form trade unions.

Mr. Nabi Ahmed said that even in the public sector, employees of such autonomous organisations as Pakistan Security Printing Press, Pakistan Security Papers, Pakistan Broadcasting Corporation, Pakistan Television Corporation and hospitals, workers do not have the right to form trade unions in violations of Article 23, clause 4 of the Universal Declaration of Human Rights as well as Article 8, clause 1(a) of the International Covenant on Economic, Social and Cultural Rights, 1966.

The biggest blow to trade unionism in Pakistan was inflicted in 1981 when the military government of Gen. Zia issued the Martial Law Regulation No. 52 under which all trade union activities in Pakistan International Airline (PIA) were banned and hundreds of the airline's employees were sacked.

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In a report submitted by a four-member team of the International Commission of Jurists (ICJ) to the Government of Pakistan, restoration of full trade union rights to the employees of PIA was recommended. ("Dawn", Karachi, Nov 14, 1987). The report said nearly 5,000 (PIA) workers were dismissed without any notice or enquiry.

"When criticism mounted after the dismissal of these workers, the Martial Law government gave an excuse that it was done in order to reduce surplus staff. This is challenged by the PIA employees who say that the regime recruited nearly 1,900 persons, mostly drawn from the army, immediately after the promulgation of MLR No. 52", the report said. (8)

In the private sector, Nabi Ahmed said, the conditions for the workers just could not be worse. He said that in order to avoid the labour laws, a number of industrial units have resorted to recruiting workers through contractors on contract basis. The workers thus hired not only do not have the right to form trade unions or go on strikes, they are also not legally entitled to other employment benefits normally given to full-time workers, he said. And, he said, there is nothing in the law which can force employers to regularise the services of their contract workers.

#### ABSENCE OF TRAINING ON RESPECTING HUMAN RIGHTS

The first law enforcement personnel with whom the common men come into contact are the policemen. More than 70 percent of the policemen are scantily educated (non-matriculates) and ill-trained in day-to-day dealings with the man on the street. There are at least 15 training schools in the country for various types of police force, but not a single training school imparts education in fundamental or human rights. A retired senior police officer told this writer, "We don't train our policemen for a master degree. So don't expect us to waste our time in teaching sophisticated subjects like human rights to them." But even in schools where senior police officers are trained, there is no emphasis on the teaching of human rights.

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The same situation exists in the training of the prison staff. The country's only jail staff training institute was established at Lahore (Punjab) in 1974, almost 27 years after the birth of the country. Here also the subject of human rights, so vital in dealing with under-trials and convicts is missing from the syllabus.

It is probablty this utter absence of proper training of jail staff which, according to "Criminal Justice in Pakistan" (Pak Muslim Academy, Lahore, p 173) leads to such prison grievances as unhygienic and unhealthy berths, complete isolation of matrimonial relations with spouse leading to homosexuality, low scale rations against standards fixed by rules, dietary punishments, solitary confinement for more than the duration prescribed, brutal and corporal punishment and failure to reform and rehabilitate. (9)

The book also says that "prison rules and manuals also are so stereo-typed that even the ratified standard minimum rules of the United Nations are yet to be incorporated". (p 172) (10)

In a note defining punishment inside jails, the book said:  
 "There are many informal and self-innovated, degenerating, insulting, demoralizing and degrading punishments which are awarded, but not recorded; administered but not announced". (Violation of Article 5 of the Universal Declaration of Human Rights.)

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Mr. Fakhruddin G. Ebrahim, a former judge of the Pakistan Supreme Court, addressed the annual dinner of the Karachi Bar Association on May 25, 1986. The "Daily News" (Karachi) quoted him as saying "I regret to say that my generation has failed Pakistan. We have failed to give a representative government, we have failed to give you a responsible bureaucracy, we have failed to give you an independent judiciary".

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Justice Ebrahim's observations are actually a frank admission of the failure of the Pakistani society to maintain itself as a group of responsible citizens who are answerable to the society for their errors and omissions. Whether the lapses were deliberate is for the historians to decide. But a small example of how callously the executive and the judiciary, two important segments of the society, treat the less important segments of the society, the common man.

On September 10, 1987, a district magistrate in Karachi issued an order of detention of Abdul Waheed Bajwa. The order did not mention any specific instance of the violation of the law of the land by the defendant. It merely stated that the defendant "has made plans to damage private/government properties and create harassment in the general public and unleash violence against members of an ethnic (group) and thereby pave the way for civil disobedience movement". (12)

The defendant was arrested and detained in police custody for 30 days. A constitutional petition challenging the detention of the defendant was accepted by the High Court and the man, who had by then suffered a heart attack and was under treatment at the city's National Institute of Cardiovascular Diseases, was ordered to be set free. Hardly a week went by when the government issued another order detaining the defendant. The grounds of detention given in the order were "preventing him (the defendant) from acting in a manner prejudicial to the public safety and maintenance of public order". The defendant was ordered detained for 30 days. The defendant is still in the hospital, under police guard. (13)

A lawyer representing the defendant told this writer that the grounds of detention in both the orders were so vague that any court in the world would not only have torn the orders to bits, it would have called upon the officials issuing such orders to explain why they should not be jailed for depriving a man of his liberty on flimsy grounds and also for wasting the time of the court. But here the case is still being heard.



When asked by this writer why some of the judges did not seem to act according to their conscience, Mr. Khalid Ishaque who is reputed to be the highest earning lawyer in the country, answered the question with another question. He asked "how did the people treat the judges who acted in accordance with the conscience and refused to take the oath under PCO, 1981. Did we honour them with a medal or even a certificate of merit?"

Reacting to Mr. Ishaque's assertions, lawyer Mohammad Faridul Haque took an entirely different stand. He said that for some of the judges (who refused to take oath under PCO, 1981) the PCO came as a blessing in disguise. "It helped them to step down from a low paid job and enter very lucrative private practice. Some of them are now making 100 times more money they were making as judges".

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#### SUGGESTED REMEDIAL MEASURES

Mr. Iqbal Haider, another constitutional lawyer from Karachi and a leading human rights activist, said that as a first step study of fundamental and human rights should be introduced as a subject in first year of college education, that is right after matriculation, eventually leading to a master degree in the subject.

He said that by introducing human rights as a subject in first year in colleges, we can hope to see some improvement on the human rights front in this country within the next five to ten years. Also, he said, this subject be taught at the Civil Service Academy at Lahore, which prepares young university graduates for induction in bureaucracy.

Some other lawyers are of the view that training or teaching of human rights should begin where it is required most, police and jail staff training schools. The minimum academic standard for recruitment to the

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lower tiers of these services should be matriculation and promotion to the next higher post should be conditioned to passing a test on the knowledge about fundamental and human rights.

They also suggested that once every five years, members of the police, jail and administrative service, including the lower tiers of the judiciary should be sent back to their respective training school for a refresher course in human rights.

Iqbal Haider said it was unfortunate that as of September 1985, Pakistan had not signed or ratified a number of international instruments on human rights, notably among them the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Conventions on the Status of Stateless Persons, and Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment. (14)

He said that pressure, both within and outside the country, should be applied to compel the government to ratify immediately all international instruments on human rights.

Rafiq Safi, the political worker and human rights activist said that greater coordination between various human rights groups in Pakistan is needed to force the government to introduce improvements in this sector. As a first step, he suggested, all such groups working on their own, should merge into a Human Rights Commission of Pakistan with a central desk located either in Karachi or Lahore, to monitor violations of human rights taking place in any part of the country, to suggest remedies and offer free legal assistance to victims.

Iqbal Haider said that there is a need for more closer collaboration between human rights groups in Pakistan and those working abroad. Such a cooperation was necessary, he said, to check that not a single violation of human and fundamental rights in Pakistan go unnoticed or unreported overseas.

There is a general consensus among human rights groups in Pakistan that people in opinion-building professions and others who are in close contact with the masses, such as lawyers, newsmen, teachers and administrative services people, should visit other countries on exchange programmes. Such a programme, they said, would expose our people to the western concept of democracy and politics and which has helped to protect human rights in advanced countries. There is so much we can learn from them, they said.

Educationists, wherever I met them, were almost unanimous in their view that the stereotyped syllabus in our schools, colleges and universities should be changed drastically so as to introduce modern ideas and concept in a society which has rigidly followed a set pattern of studies for many decades now. We need to overhaul the whole educational system in order to prepare the next generations of Pakistanis for the challenges of the next century, said a teacher at the Karachi University who spoke on the condition of anonymity. It has been a feudal system throughout," he remarked, "let it be a modern system now. We have suffered on most counts, including the abuse of rights because we thought it fit to keep a distance between ourselves and the western world because we were made to believe that western ideas were not in conformity with our own ideas. Forty years of (Pakistan's) history, punctuated with failures, sufferings and exploitations, should serve as an eye opener and prove that our initial assumptions about western concepts as being alien to our own were wrong".

Rafiq Safi suggested that in every district a human rights committee should be formed (to work under the supervision of the Human Rights Commission of Pakistan, and members of legal, medical, teaching and journalism professions in that district should form such a committee. He said that it should simultaneously work as a citizens committee for prisons located in that district to check if the rights of the prisoners are not being violated.

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After Pakistan is back on the road to progress and the people get back their rights, how do we make certain that a politically ambitious army general will not venture beyond the army barracks and roll back all development and progress. Mr. Mohammad Asghar Khan, chief of the "Tehrik-e-Istiqlal Party", who was himself under house arrest for more than four years and whose son was sacked from a teaching job because of his political activities, told this writer that the possibility of political adventurism by military generals will always be there. "Article 6 of the constitution already defined that abrogation of the constitution would be considered an act of high treason. But the constitution was, indeed, abrogated by generals and nothing happened".

Asghar Khan believes that only extensive political training of the masses would help safeguard the constitution.

This writer asked lawyer Khalid Ishaque if it would be correct to assume that some of our judges are not so efficient and competent as they are supposed to be and if personal links played a greater part in their appointments than their own merits. Khalid Ishaque did not answer my question. Instead, he just smiled.... a very meaningful smile".

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