

# PAKISTAN

## No protection against targeted killings

*“... as the doctors in Karachi continue their protest against the targeted killings of their colleagues, the failure of the government to be moved into action is shocking. ... Thirty-two people have been killed in sectarian incidents in the country since the beginning of the year, of whom seven were doctors. What comes as a matter of shock and dismay is the weak response of the government to a ghastly situation ... Its half-hearted statements condemning the killings do not reflect serious official concern. This also confirms the insensitivity of the military government to the sentiments and security needs of the people. The distressing message conveyed by the government’s inaction is that it is unable, or worse still, unwilling to act ...”* Editorial in the Karachi newspaper *Dawn*, 16 March 2002.

### INTRODUCTION

Since Pakistan declared its support for the US-led coalition against ‘terrorism’ following the attacks on New York and Washington on 11 September 2001, at least 45, mainly professional members of the Shi’a minority community<sup>1</sup>, and over 65 Westerners or Christians have died in targeted killings by Islamists<sup>2</sup> in Pakistan. The Government of Pakistan<sup>3</sup> verbally condemned such abuses but took action only after domestic and international outcry against them. With regard to some of the killings no action was taken at all and in all cases preventive and protective measures have been either non-existent or inadequate.

**Amnesty International believes that the Government of Pakistan systematically failed to exercise due diligence by not taking adequate measures to prevent abuses by Islamist groups, investigate the threat and use of violence by such groups and bring those responsible for abuses to justice.**

Starting with Zia-ul Haq in the 1980s<sup>4</sup>, successive governments have sought to use Islamist groups for their foreign policy objectives, notably in Afghanistan and Jammu and Kashmir,

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<sup>1</sup> The Shi’a sect of Islam traces its origins to the dispute over the succession to Muhammad, the prophet of Islam; the Shi’a maintain that Ali Ibn Abu Talib, cousin and son-in-law of Muhammad, was the rightful heir to the office of the caliph. The word ‘Shi’a’ literally means the ‘party’ referring to ‘Shi’atu Ali’, ‘the party of Ali’. Shi’a and Sunnis agree as to the fundamental beliefs of Islam: the belief in one God, the belief that the Qur’an is given by God and that Muhammad was the last messenger of God. The main difference lies in the importance assigned to the imams, the descendants of Muhammad through his daughter Fatima, whom Shi’a regard as infallible leaders of the Muslim community – which the Sunnis deny. There are different groups within the Shi’a sect according to who are recognized as imams. Sunni Muslims accept the Sunna, the traditional sayings and customs attributed to Muhammad as of equal authority as the Qur’an. The majority of Sunni Muslims in Pakistan belong to the Deobandi and Barelvi branches, so named after the towns, Deoband and Bareilly in India, where they originated in the 19<sup>th</sup> century; the Sunni group Ahle Hadith (‘People of the Traditions of the Prophet’) is close to the Wahabi sect of Saudi Arabia and opposes the Shi’a. Deobandi groups pursue a marked anti-mystical, anti-Shi’a and anti-Western approach and promote faith-based knowledge; Barelvis constitute a counter-movement that builds on the South Asian tradition of Muslim saints and shrines.

<sup>2</sup> The term ‘Islamist’ is used for those who believe in the superiority of the Muslim faith and use political means and sometimes violence to spread it; it is used to distinguish such people from Muslims who peacefully profess and practice their faith.

<sup>3</sup> References to the ‘Government of Pakistan’ in this report relate to the government of Pervez Musharraf who from October 1999 to October 2002 held the offices of Chief Executive and President. Amnesty International addresses its recommendations to the new government to emerge from general elections on 10 October which will have a new chief executive in the person of the prime minister while President Musharraf will remain head of state as he retains the office of president for another five years.

<sup>4</sup> The political use of Islam goes back to Prime Minister Z.A. Bhutto but became systematic under the military rule of President Zia-ul Haq.

and consequently have supported, ignored or failed to curb their domestic activities.<sup>5</sup> The government of President Musharraf gave up these objectives and had to face domestic resistance to such changes from Islamist groups. Many observers believe that parts of the establishment who supported Islamist groups in the past may not have severed those links; others believe that the government as a whole was unwilling to consistently curb domestic Islamist militants as it aimed to use them politically, in the tradition of previous, particularly military, governments. The inconsistency in the official policy with regard to Islamist groups which alternated between crackdowns and accommodation - despite the Islamist groups' generally acknowledged disruptive role in the political fabric of Pakistan and their responsibility for grave abuses - appears to confirm this view.

**Amnesty International appeals to the new government elected on 10 October 2002 not to shelter Islamist or any other groups responsible for human rights abuses but to ensure that such abuses are prevented and that they are promptly and independently investigated when they occur with a view to bringing the perpetrators to justice. The promotion of human rights for all and the protection of everyone from abuses by state and private individuals and groups should be made a firm and non-negotiable part of the government's program.**

This report describes targeted killings of Shi'a professionals over the past two years and of Westerners and Christians since October 2001 and examines the identity and possible motivation of the perpetrators of such abuses and the government's attitude towards such abuses and their perpetrators. It ends with a set of recommendations to the new Government of Pakistan.

## 1. SECTARIAN STRIFE IN PAKISTAN

Shi'a make up between five and 10 per cent of the population of Pakistan, Christians some three to five per cent whereas Sunnis comprise around 85 per cent of the population. Both the Sunni and Shi'a sects in Pakistan have over time developed their own political organizations, mainly the Sipah-e-Sahaba Pakistan (SSP)<sup>6</sup> and the Tehreek-e-Jafaria Pakistan (TJP)<sup>7</sup> respectively; all groups but particularly Sunni organizations have undergone a process of splintering into several subgroups. Hostility between the sects was fed by domestic and several external factors. The Islamization drive under Zia-ul Haq, intended to strengthen his political basis, favoured Deobandi groups. The Soviet invasion in Afghanistan and the revolution in Iran in 1979, and subsequent US and Arab support for the fight against communism in Afghanistan, as well as rivalry between Iran and Saudi Arabia over leadership in the Muslim world, were reasons for external political, ideological and financial support for Pakistani groups and contributed to their growth, militarization and pronounced sectarian hostility.

The major groups currently known to advocate and use sectarian violence are the Sunni groups Lashkar-e-Jhangvi (LJ),<sup>8</sup> Jaish-e-Mohammad (JM)<sup>9</sup>, the Harkat-ul-Mujahideen<sup>10</sup> and

<sup>5</sup> This has particularly affected the protection of religious minorities against attack and abuse. See: *Pakistan: Insufficient protection of religious minorities*, AI Index: ASA 33/008/2001, May 2001.

<sup>6</sup> 'Pakistani Guardians or Force of the Companions of the Prophet', is an offshoot of the Jamiat-e-Ulema-e-Islam (JUI, 'Association of Islamic Clergy'), the main Sunni Deobandi party, which is divided into three factions, led by Samiul Haq, Fazlur Rahman and Ajmal Qadri. The SSP, led by Maulana Tariq, emerged in the mid 1980s in response to Shi'a politicization and has publicly vowed to 'exterminate all rival sects' in Pakistan.

<sup>7</sup> 'Movement for the Shi'a Sect of Pakistan', emerged in 1979, after the revolution in Iran to secure Shi'a law in predominantly Sunni Pakistan; it has recently re-emerged as Millat-e-Jafaria Pakistan, 'Shi'a Nation of Pakistan'.

<sup>8</sup> 'Army of Jhangvi', offshoot of the SSP, hence Deobandi, led by Riaz Basra until his death in an 'encounter' in May 2002, reportedly maintained a training camp in Afghanistan; it has strong anti-Shi'a views and is known to have targeted many Shi'a. Maulana Haq Nawaz Jhangvi, founder of the SSP, was killed in 1990.

the Shi'a group Sipah-e-Mohammad Pakistan (SMP)<sup>11</sup>. Other Pakistan based Sunni groups including the Tanzim-e-Nifaz-e Shariat-e-Mohammadi (TNSM)<sup>12</sup>, the Lashkar-e-Taiba (LT)<sup>13</sup> and the Sunni Tehrik (ST)<sup>14</sup> are not believed to be involved in systematic sectarian violence in Pakistan.

There is much speculation in Pakistan about possibly interlinked new cells of militants and about factions of old groups linking up for specific actions or more permanently, as many groups appear in a state of flux. Reports suggest that activists are disillusioned with their leadership's inability to stop Pakistan's alliance with the US and have therefore broken ranks with their original organizations to form new groups. The fact that several key leaders are in detention, leaving groups without direction, may have hastened this process. New groups mentioned in the media are the Harkat-ul-Muhajideen-al-Alaami<sup>15</sup>, possibly an offshoot of the Harkat-ul-Mujahideen and alleged to have links with the LJ<sup>16</sup>; the Lashkar-e-Omar<sup>17</sup>, supposedly consisting of factions of the Harkat-ul-Mujahideen and the Jaish-e-Mohammad<sup>18</sup>; and the Lashkar Amir-i-Azeemat<sup>19</sup> which emerged in September 2002, reportedly warning police authorities that if members of the LJ continued to be killed in fake police 'encounters', it would take revenge.<sup>20</sup>

Militant organizations of both sects have in the past targeted each other's members but the last three years have seen an upsurge of systematic targeted killings of people unconnected with the sectarian strife, particularly in Karachi. There has been a further increase of such targeted killings since the beginning of the year 2002. The non-governmental Human Rights Commission of Pakistan (HRCP) has stated that between the beginning of the year 2000 and mid-2002, some 110 people have died in targeted sectarian killings in Karachi alone. Of these 69 victims belonged to the Shi'a minority and included a high proportion of professionals, particularly doctors. The proportion of Shi'a victims among the total number of victims is

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<sup>9</sup> 'Army of Prophet Mohammad', founded in March 2000 by Maulana Masood Azhar shortly after he returned to Pakistan, following his release from imprisonment (since 1994) in India in exchange for 155 hijacked Indian hostages taken to Afghanistan in December 1999. He was then General Secretary of the Harkat-ul-Mujahideen which he left after a rift in the group to form his own organization. He reportedly met Taliban and al Qa'ida leaders in Afghanistan; the organization is reportedly backed by the largest madrasa in Pakistan, the Jamia Uloom-Islamia, Binori, from which the Taliban reportedly recruited a large number of fighters. It is believed to be active in the Indian state of Jammu and Kashmir and to have undertaken suicide missions there. Masood Azhar is currently under house arrest, held under the Maintenance of Public Order Ordinance.

<sup>10</sup> 'Movement of Mujahideen or Holy Warriors', changed to this name from Harkat-ul-Ansar after it was declared a terrorist organization by the USA in October 1997. The organization is believed to have operated in Afghanistan and to be active in Kashmir and undertake suicide attacks. According to some reports in May 2000, the organization merged with the JM, but while some of its members appear to have joined the JM, the HM is still believed to exist.

<sup>11</sup> 'Guardians of Mohammad of Pakistan', the armed wing of the TJP, founded in the early 1990s, later split into several factions; TJP leaders deny links to the SMP saying that it is an independent organization which emerged in reaction to the LJ. TJP leaders have publicly said that they do not use or advocate violence and agree with the government ban of the SMP.

<sup>12</sup> 'Movement for the implementation of Islamic law', a local radical movement led by Sufi Mohammad in some Pashtun tribal areas.

<sup>13</sup> 'Army of the Pure', armed wing of the Markaz al-Dawa al-Irshad (Centre for Religious Learning and Propagation), an Ahle Hadith organization based in Muridke; it maintains close links with sectarian organizations in Pakistan but is apparently not directly involved in sectarian violence in Pakistan. It is believed to be active mainly in the Indian state of Jammu and Kashmir where in 1999 it reportedly began suicide attacks on military installations and camps.

<sup>14</sup> 'Sunni Movement', is a mostly non-violent Barelvi organization

<sup>15</sup> 'International Movement of Holy Warriors'.

<sup>16</sup> Arrested members of the new group reportedly admitted responsibility for the suicide car bomb attack on the US consulate in Karachi on 14 June 2002, an abortive attempt on the life of President Musharraf in April 2002, and preparations for the attack on the French engineers which was then reportedly carried out by another group.

<sup>17</sup> 'Army of Omar'.

<sup>18</sup> This name was reportedly used after the attack on the church in Bahawalpur in a fax sent to the government.

<sup>19</sup> 'Army of people of courage or determination'.

<sup>20</sup> *Ausaf*, 10 September 2002.

very high when one bears in mind that the sect only makes up five to ten per cent of the total population. The present report focuses on such targeted killings while ignoring the killings of members by rival sectarian groups.<sup>21</sup>

Government authorities repeatedly emphasized that the civilian population in Pakistan is held to ransom by a small extremist fringe which caused some 400 deaths in targeted sectarian killings in 2001.<sup>22</sup> Such assertions are true to the extent that the Sunni majority does not approve of such targeted killings and is not involved in them; even moderate religious parties have never won more than three to five per cent of votes in Pakistan. There is no large scale communal violence and sectarian killings are carried out by members of militant sectarian groups. But such official assertions do not justify government inaction with regard to such groups. The Pakistani government is under an international obligation to prevent such groups from threatening and using violence and to investigate abuses and prosecute those responsible for them.

President Musharraf has on several occasions condemned sectarian violence and banned several sectarian groups. In his speech to the nation, he said on 12 January 2002: "Terrorism and sectarianism must come to an end. [After announcing the ban of several sectarian groups:] No organisation will be allowed to call itself Lashkar, Jaish or Sipah.<sup>23</sup> ... no organization will be allowed to indulge in terrorism in the name of Kashmir. ... Strict action will be taken against any Pakistani individual, group or organization found involved in terrorism within or outside the country ..."<sup>24</sup>

Since this speech on 12 January 2002, the following killings and attacks targeting Shi'a – who can be easily identified by their names -- have been reported but others may have gone unreported:

-- On 29 January, *Jawwad Rizvi (65), a retired insurance executive and a trustee of an imambargah<sup>25</sup> was shot dead by two motorcyclists riding by when he and his friend came out of the imambargah in Defence Housing Society in Karachi. His friend, Syed Zamarrud Husain Jafri (40), -- whose cousin Dr. Raza Jafri had been killed in May 2001 -- was injured;*

-- On 30 January, *Dr. Syed Mujavir Ali Rizvi was seriously injured by armed motorcyclists (see his case below) near his clinic in Karachi;*

-- On 3 February, *Sadiq Ali Hamshiri, a bakery owner and trustee of the local imambargah, was shot dead in Kharadar, Karachi;*

-- On 4 February, *Dr. Fayyaz Karim, a dermatologist, was shot dead at Khawaja Ajmer Nagri, Karachi;*

<sup>21</sup> Recent cases of killings of Shi'a and Sunni activists include Shi'a leader Anwar Ali Akhonzada who was shot dead in Peshawar on 24 November 2000 allegedly by SSP activists; Shi'a activist Nazir Hussain who was shot dead in Dera Ismail Khan on 31 December 2001; TJP activist Syed Badar Haider Naqvi who was shot dead on 12 November 2001 in Karachi; Nusrat Ali, cousin of TJP leader Tauqir Baba who was shot dead in Lahore on 11 November 2001; TJP leader Allama Nazir Ahmed Abbas who was shot dead on 19 October 2001 in Chak 62, Vehari; TJP activists Zulfikar Maider and Anwar Termizi who were shot dead on 11 March 2002 in Karachi; TJP central finance secretary Aqeel Naqvi who was shot dead on 27 June 2002 in Multan. Jamiat Ahle Hadith leader Maulana Abdul Ghafoor was shot dead in 2001 in Kanganpur, Okara, Punjab. On 14 August 2001, Rizwan Shah, of the Harkat-ul-Mujahideen was shot dead by motor cyclists in Karachi. In early August 2002, a leader of a Sunni organization, Maulana Jamaluddin Haripal of the Jamiat-e-Ulema-e Islam (JUI) was shot dead in Balochistan.

<sup>22</sup> President Musharraf publicly stated in January 2002 that more than 400 people were killed in sectarian violence in 2001. HRCP: *The State of Human Rights in 2001*, p.91.

<sup>23</sup> 'Lashkar' and 'jaish' literally mean 'soldiers' and 'army'; 'sipah' refers to 'guardians'; the use of these terms implicitly undermines the state as the sole repository of coercive force.

<sup>24</sup> *AFP*, 12 January 2002.

<sup>25</sup> *Imambargahs* are Shi'a places of worship.

- On 5 February, Mohammad Hassan (60), custodian of an imambargah in Larkana, Sindh province, was shot dead;*
- On 6 February, College Principal Azhar Zaidi and his son, Professor Ashar Zaidi were seriously injured when they were shot near the college gate in Karachi;*
- On 6 February, Professor Maqsood Jaffery was injured in an attack in Rawalpindi;*
- On 8 February, firing on a bus carrying workers of a pharmaceutical company in Karachi injured three Shi'a men travelling in it;*
- On 9 February, a shop owner, Syed Azad Hussain Zaidi, was shot dead in Karachi by two motorcyclists;*
- On 11 February, Syed Adil Hussain (45), a security officer of Pakistan Steel Mills, was stabbed to death after being kidnapped;*
- On 11 February, a shopkeeper, Mohammad Ramazan (55) in central Karachi was shot dead by two motorcyclists and an employee and the owner of a nearby shop were injured;*
- On 12 February, Dr. Syed Rashid Mehdi was shot dead in Karachi;*
- On 26 February, 11 members of a congregation in an imambargah in Rawalpindi were shot dead and 16 were injured when gunmen entered the imambargah and opened indiscriminate fire;*
- On 4 March, Dr. Alay Safdar Zaidi was shot dead in Karachi;*
- On 7 March, Dr. Manzoor Ahmed Sumoo was shot dead in Karachi;*
- On 9 March, Dr. Yousuf Ghori was shot dead in Karachi;*
- On 21 March, video shop owner Kazim Jafri (35) was shot dead in his shop in Karachi;*
- On 25 April, twelve women and children were shot dead in an imambargah in Bhakkar, Punjab province;*
- On 30 March, Arif Hussain Bhatti, a caretaker of an imambargah and his son Najam Hussain Bhatti were shot dead in Bahawalpur, Punjab;*
- On 6 May, Syed Zafar Mehdi Zaidi, acting College Principal was shot dead in Karachi;*
- On 17 June, three people were killed in an imambargah in Multan;*
- On 27 June, Syed Aqeel Haider Naqvi, a banker was shot dead in Multan;*
- On 8 August, Brigadier D.J.K. Naqvi, head of the National Database Registration Authority, was shot at and injured in Quetta;*
- On 16 August, Sa'adat Hussain Naqvi, director general of the Department of Agriculture, Government of Balochistan, and his driver were shot at and injured in Quetta.*

Islamist groups have also increasingly targeted citizens of Western countries and Christians, in an apparently confused assimilation or identification of both groups. Since September 2001, over 65 deaths were recorded. In such cases the international response has been swift and some two dozen suspects have been arrested and charged and several others have died in so-called 'encounters' with police.

Pakistani media have reported very few targeted killings of Sunnis since September 2001, but there may be unreported cases. English language newspaper reports mention 11 such cases. This number excludes those Sunnis who became victims of targeted killings because they were in some way associated with Shi'a who were the primary targets of killings.

The killings of members of the Shi'a minority and of members of Western or Christian groups are not incidental but part of a pattern of violence which has affected many people beyond the

direct targets. It has contributed to a climate of fear, which has deeply impacted on the lives of people particularly in Karachi, well beyond the communities directly targeted. An intelligence officer in Karachi was quoted as saying: “Karachi is becoming a hub of terrorist activities. Terrorists are converging here from everywhere. It is one of the best hideouts in Pakistan at the moment: Everything is available here, sponsors, money, targets and hideouts.”<sup>26</sup>

## 2. TARGETED KILLINGS OF SHI’A BY ISLAMISTS

Members of the Shi’a community have told Amnesty International that the community has many educated members; this may be due to the fact that many educated urban Shi’a families migrated from British India to Pakistan at the time of the partition of the subcontinent. In the indigenous population of Pakistan, the Shi’a community had a tradition of aspiring to education, too. As a minority community, the Shi’a community may have invested more than the majority in education which, along with its community support systems, may have contributed to the prosperity of the community. The decimation of the most educated elite of this minority community deeply impacts on its sense of security.

Medical doctors constitute the single largest group of victims of targeted killings on sectarian grounds in Pakistan but members of other groups within the Shi’a community, including businessmen, members of the administration and religious leaders, particularly prayer leaders, have also been attacked and killed.

### 2.a Targeted killings of medical doctors

Targeted killings of Shi’a doctors do not constitute a new phenomenon in Pakistan. The Punjab chapter of the Pakistan Medical Association (PMA) told Amnesty International that targeted killings of doctors and teachers of medicine began in Punjab in the mid-1990s and peaked in 1998-99 but have since then sharply declined, possibly because militants moved to Sindh where no action was taken against them. Prominent victims in that period were Dr. Mohammad Naqvi killed in Lahore in 1998, Dr. Mathiur Rahman, associate professor of medicine, and Dr. Altaf Bashir, professor of gynaecology, killed in Lahore and Faisalabad respectively in 1999. Other observers have confirmed that the targeted killing of Shi’a doctors and other professionals became systemic in Karachi around 1994 and has since then accelerated as no action was taken to stem it.

Attacks on Shi’a doctors occur in clusters, suggesting a possible coordination between perpetrators or that they are committed by a single group. In 2001, Dr. Raza Mehdi Jafri was shot dead on 31 May, Dr. Asad Bukhari on 16 June and Dr. Mohammad Raza Peerani on 26 June, all in Karachi. In 2002, four Shi’a doctors were shot dead in almost identical circumstances in Karachi between 12 February and 9 March: Dr. Syed Rashid Mehdi on 12 February, Dr. Alay Safdar Zaidi on 4 March, Dr. Manzoor Ahmed Sumoo on 7 March and Dr. Yousuf Ghori on 9 March.

The number of Shi’a doctors killed or attacked is difficult to ascertain as there is no reliable central monitoring; many organizations only monitor local media reporting of sectarian killings and all incidents may not be covered in the media. In mid-March 2002, when an Amnesty International delegation reached Karachi, three Shi’a doctors had been shot dead, three had survived attempts on their lives and seven had reportedly migrated within the previous week. Several doctors who Amnesty International spoke to had closed their clinics and sent their families abroad. One doctor said to Amnesty International, “it is better to stop earning than to stop living”.

<sup>26</sup> *AFP*, 8 May 2002, quoting an unnamed senior Pakistani intelligence official. Similarly, the editorial of the Karachi daily *Dawn* said on 9 May 2002: “... terrorism is stalking Pakistan with impunity as a new murderous and awesome wave seems to be sweeping the country.”

The PMA stated in March 2002 that more than 70 doctors have been murdered in Karachi during the past 10 years; the majority of these are from the small Shi'a community and were killed on grounds of religion alone. The Citizen Police Liaison Committee listed eight doctors killed in 2000 and seven killed in 2001; journalists monitoring events in Karachi confirm such numbers.<sup>27</sup> The news magazine *Newsline* said in its May 2002 issue that 13 doctors were killed since the beginning of 2001, among 80 victims of sectarian killings in Karachi; of these 51 persons were Shi'a and the rest Sunni. The Inspector General of Police in Sindh, Kamal Shah was quoted as saying that in 2001, 59 people fell victim to sectarian targeted killings in Karachi, including 35 Shi'a, 20 Deobandis and four Berelvis and that police had arrested 22 suspects.<sup>28</sup> The HRCP stated that targeted political and sectarian violence claimed 626 lives in 2001, with killings of businessmen, professionals and officials in Karachi amounting to 142 lives alone.

Given that there are about 7,000 doctors for Karachi's population of 14 million, resulting in one general practitioner for every 2,000 people and one specialist for 230,000 persons and that it takes about 15 years to train a specialist,<sup>29</sup> it becomes evident that the attacks, killings of doctors and their flight from Karachi bear a high social and economic cost. While those who target doctors on sectarian grounds abuse a range of rights of their victims, including the rights to life and security of the person as well as the right to work without risk and interference, they also abuse the right to health of large sections of society. Doctors of the PMA have also pointed out that the loss of professors of medicine in Punjab was a difficult setback for the profession.

Media reports are sometimes misleading when reporting sectarian killings. Several reports in local media said on 6 May 2002: "One Shi'a, two Sunni Muslims martyred in Karachi" suggesting a picture of targeted killings of both communities. In the reported incident, three men on a motorcycle shot dead a Shi'a man, the acting principal of the Jamia Melia Technical College in Malir, Karachi, **Syed Zafar Mehdi Zaidi**; in the shootout, Zaidi's driver and his office helper, two Sunnis, were also killed. The intended target was clearly Zaidi and the two other men were killed incidentally.

The case of **Dr. Raza Jafri**, (39), shot dead on 31 May 2001 in Karachi has many of the typical characteristics of such targeted killings. Dr. Jafri was shot as he was leaving his clinic in Gulshan Iqbal, Karachi. A bearded man in his 30s reportedly asked staff for the whereabouts of Dr. Jafri, went straight up to him, took out a pistol and shot him dead. Dr. Jafri died on the spot. According to his family, Dr Jafri had no personal enemies and had not received any indication that he might be targeted. Dr Jafri's father, Dr. Israr Hasan Jafri, had been the founder of an imambargah and Dr Raza Jafri had recently taken over its management. Only the family knew about his religious activities as he kept them low key; most of his welfare activities, which included financial support for needy people, benefited members of both the Shi'a and Sunni communities.

Dr Raza Jafri ©  
private



<sup>27</sup> According to a local journalist, 77 doctors have been killed in Pakistan since 1994, of these over 50 in the last five years. In 2000, eight doctors were killed, in 2001, seven doctors were killed in Karachi. Hasan Mansoor, "Violence against minorities in Pakistan. Under the gun: The Shi'ites in Karachi, *Himal*, April 2002.

<sup>28</sup> Hasan Mansoor: "Karachi sees fresh sectarian violence", in: *Friday Times*, 22 February 2002.

<sup>29</sup> Figures provided by the PMA.

The regular hours kept by doctors have made them an easy target. **Dr. Alay Safdar Zaidi** (42), was shot dead at around 9 am on 4 March 2002 when his car stopped at a traffic light in the centre of Karachi on his way to work. a motorbike drew up and opened fire. Shot and head, he collapsed over his steering. Zaidi had no political connections, no office and no personal enemies. One of three qualified nephrologists in Karachi, Dr. Zaidi eight months earlier returned to Pakistan year stay in the USA. He was committed to medical care in Pakistan and making it for poorer sections of society. He was introduce cheap dialysis methods and had open a new kidney centre in Karachi. Dr received threatening phone calls in October a precaution had begun to change his daily route.



Dr. Alay Safdar Zaidi © private

Two men on in his face wheel. Dr. religious highly had some after an 11-improving affordable working to plans to Zaidi had 2001 and as

In Karachi, the Amnesty International delegation also met a woman cradling a baby who – one month earlier – had been just five days old when his father was killed; the family was still paralyzed by the event. **Dr. Syed Rashid Mehdi** (39) a specialist in chest diseases, had worked at the Ohja Medical Institute in Karachi and as a private consultant. He was not involved in any religious or political activities but had throughout his life focussed on his studies and professional development. On 12 February 2002, at 10.30 p.m. on his way home from his practice, he was shot three times in the head from close range as he sat in his car next to a pharmacy where he had stopped. He died immediately. There had been no threats or any other incidents that could have alerted him to the danger to his life.



Dr. Syed Rashid Mehdi © private

Some doctors have escaped attacks on their lives, some badly injured. **Dr. Jafer Naqvi**, a 60-year-old kidney specialist escaped in March 2002 when two men on a motorbike closed in on him in Karachi. As the car was fired at, it swerved and escaped. Dr. Naqvi and two doctors accompanying him jumped out and hid in a private house.

The presence of a police mobile van in the area may have led to the attackers fleeing.

Another doctor, **Dr. Syed Mujavir Ali Rizvi**, was the target of shootings twice and is now confined to a wheelchair. He has not been able to obtain adequate medical treatment in Pakistan but has had his application to travel abroad for treatment turned down by Western countries apparently apprehensive of a possible asylum seeker. Dr. Rizvi and his wife, Dr. Goher Sultana, also a medical doctor, set up a clinic in Karachi in 1983 where a year later, on 16 June 1984, he was shot at by several Islamists. A bullet injured his spinal chord leaving him paralysed. After one and a half years of physiotherapy, he succeeded in moving about in a wheelchair and, with the encouragement of his wife, returned to his practice in 1995. On 30 January 2002, Islamists shot him once again as his wife was about to drive him home from the clinic. Still partly paralyzed from the first attack, he was an easy target and sustained several bullet injuries. Dr. Rizvi survived this attack as well but has one bullet still lodged in his shoulder. Since then Dr. Rizvi, his wife and their three children have mostly stayed at home as they are afraid of further attacks. They have received several threatening phone calls after the last attack. Dr. Goher Sultana told Amnesty International: “Under these circumstances, the lives of my husband, our three children and I are at very high risk. We can’t work or move outside our home here. My whole family lives continuously in fear and mental torture.” The family was not given police protection at any stage despite repeated attacks on their lives and

death threats. Dr. Rizvi applied to the government for compensation but had not received any by the time of writing this report.

Relatives of Shi'a doctors have pointed out to Amnesty International again and again how easy it is to target doctors, particularly Shi'a doctors, many of whom are well known and have a distinct profile for professional achievement and social commitments. Many provide free medical assistance not only to their Shi'a co-religionists but to society at large. Their name boards outside their clinics give them away, their working hours are regular and they must keep themselves accessible to the public. A doctor cannot carry out his functions behind a high gate or with an armed guard in front of his door who first ascertains the identity of a patient before admitting them into the practice. Not only their easy accessibility but also their regular working hours make doctors easy targets for anyone intent on killing them. Many specialist doctors in Karachi who typically have teaching assignments in medical colleges in the morning, hospital duties in the afternoon and their private practice in the evenings, have tried to vary their routines. Some have reduced or stopped their evening practices; others have changed their cars or hired private guards. The fear for personal safety has also affected non-Shi'a doctors; non-Shi'a members of the PMA told the Amnesty International delegation that they were taking similar precautions, as some non-Shi'a doctors had also been killed, either deliberately in a revenge action or when they were mistaken for Shi'a. Dr Ishrat Hussain, a Sunni, was killed on 8 July 2002, apparently because his name was mistaken for a Shi'a name.

Relatives of victims have stated that after an attack it sometimes became known that the would-be attackers had visited the relevant clinics where the victim worked and asked about Shi'a doctors; some perpetrators may have bribed workers to reveal the Shi'a doctors to them. Several local observers told Amnesty International that would-be murderers of Shi'a doctors spend up to three weeks monitoring the movements of their target and reconnoitring the environment including possible escape routes after the attack. Most often the attack is carried out by two men riding a motorbike while an accomplice may be present observing the attack and standing by in case it goes wrong. The victims are usually shot in the head and neck from a very short distance. Most accounts agree that the attackers do not hide their faces; apparently they are sure of not being tracked down and punished or of eye witnesses being afraid to testify.

Amnesty International has been told on several occasions that local Urdu newspapers have published lists of Shi'a doctors making it easy for their enemies to trace them; but the organization has not been able to verify this allegation. Sometimes, arrested militants publicly assert that specific Shi'a are being targeted; in some cases police are also believed to have informed doctors that arrested suspects have mentioned their names; some have then reportedly left Pakistan.

Doctors in Pakistan now hesitate to go on house visits as they must fear for their safety. One doctor described to Amnesty International that now when leaving her clinic she sends out a helper first to ascertain if nobody is lying in wait for her. "We normally rush to assist those in trouble without regard to our personal safety, but I would be irresponsible towards my own children if I did not take precaution. And I have also become quite nervous as it might strike me any day."

Outrage at the targeted killings of Shi'a doctors has been widely shared in Pakistan. On 22 March 2002, the PMA went on a one day strike to protest against the government's indifference to the fate of doctors, particularly Shi'a doctors in Karachi and all major government and private hospitals closed all but emergency facilities. In response the government agreed to issue firearms licences to doctors. A further strike was held on 8 April 2002. The PMA said on that occasion that the government could soon find the country deprived of doctors, particularly specialists. A Joint Action Committee involving representatives of several human rights organisations on 16 March 2002 passed a resolution which it sent to the government; the resolution says *inter alia*: "Targeted killings on the basis

of religion should be condemned without reservation. Of particular concern is the trend towards killing medical professionals. We demand that the government firmly control the menace and re-establish the rule of law.” The HRCP said in a statement of 13 March 2002, it was “outraged at the wave of killings of doctors in Karachi which is taking a toll of precious lives at an unprecedented rate. ... Recent events only confirm that the government’s drive to suppress terrorists, especially those abusing belief for their murderous acts, need to be pursued not only more vigorously but also with greater sincerity and sounder planning. ... Above all, it is time to put a stop to the killings of innocent people for their belief or for the fact that they are well-known or well-off.”

## 2.b Targeted killings of other professionals

The number of Shi’a members of the administration who have been targeted has increased over the past year with several such cases reported from Balochistan.

**Shaukat Mirza** (62), managing director of the state-run oil marketing company Pakistan State Oil, was shot dead along with his driver on 26 July 2001 in Karachi. Two unidentified gunmen riding a motorbike opened fire with automatic weapons on the car in which he was travelling to work in the morning; he died on the spot. Mirza had developed strategies to revitalize Pakistan’s corporate sector and was believed to have sought to rid the sector of corruption. Mirza was a prominent member of philanthropic organisations including the Aga Khan Foundation and the Reformers, a group supporting privately funded schools, literacy campaigns and health care for the poor irrespective of faith. The announcement of his death placed by Mirza’s family in the daily *Dawn* on 27 July 2001 read: “*How much more senseless blood does this nation want before it comes to its senses ... ?*”

Only days later, on 30 July 2001, **Syed Zafar Hussain Zaidi** (59), director of the Defence Ministry’s research department, was shot dead only yards from his home in Karachi as he started off for work. Three young men on a bike intercepted his car and shot Zaidi at point blank range. Relatives later said they had seen bearded young men who had been waiting in a car outside his home carry out the attack. He was to retire shortly and left behind a widow and three sons. On 10 September 2001, divisional engineer of Pakistan Telecommunications, **Syed Altaf Hussain Bangash** (45) was shot dead as he left home for work in the morning in Karachi. On 9 October 2001, **Syed Imam Gul**, principal of the Government Technical College, Mominabad, Karachi, was shot dead. On 10 October 2001, **Syed Hasan Zaidi**, chairman of the Sindh Board of Technical Education was shot dead by two motorcyclists in North Nazimabad, Karachi.

On 28 August 2001, **Abid Abbas Naqvi**, a subdivisional officer of Balochistan’s building and roads department was shot dead in Quetta. On 13 September 2001, professor **Atiq Hasan Naqvi** of Balochistan University was shot dead, also in Quetta. On the morning of 8 August 2002, two masked gunmen on a motorbike fired at and seriously injured Brigadier **D.J.K. Naqvi**, head of the military’s National Database Registration Authority as he drove to his office in Quetta. On 16 August 2002, **Sa’adat Hussain Naqvi**, director general of the Department of Agriculture of the Balochistan Government and his driver were shot at as they left the office in Quetta; they managed to reach the local hospital in time and could be saved.

While the killings of Shi’a men in positions of influence are widely covered in the media creating the impression that they alone are victimized, the killings of small businessmen has received little coverage; several such killings are known to have occurred in recent months. On 9 February 2002, a shopkeeper, **Syed Azad Hussain Zaidi** was shot dead in Karachi by two men on a motorbike. On 21 March 2002, video shop owner **Kazim Jafri** (35) was shot dead late at night by two men riding a motorbike as he sat in his shop in southern Karachi watching a video with Shi’a speeches. He died on the spot while two passers-by were also injured.

## 2.c Targeted killings of Shi'a religious leaders

Religious leaders of the Shi'a community have also been targeted. On 12 September 2001, **Syed Razi Haider**, a teacher who occasionally led the prayers in an imambargah in Karachi -- which had issued protest statements after the killing of Shaukat Mirza -- was shot dead in the morning after dropping off his wife, a teacher, at her school. Haider had stopped at a traffic light when a man riding pillion on a motorbike next to his car opened fire. Haider's 11-year-old son **Abbas Haider** who was with him in the car was also shot dead. Syed Razi Haider had not received any warning but was aware in general about threats to the community and had changed his route and taken all possible care not to expose himself or his family to risk.

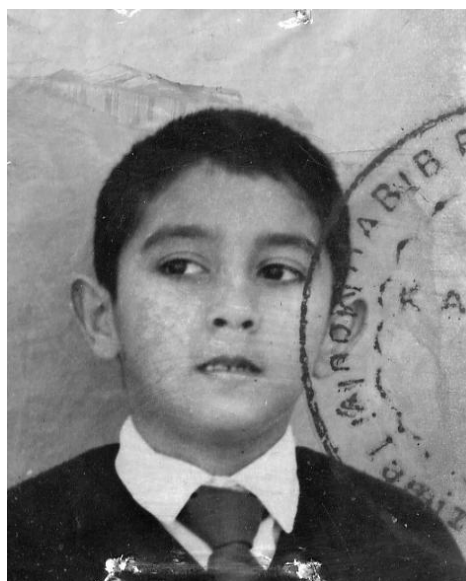
Earlier, on 30 July 2001, Shi'a prayer leader **Syed Rizwan Hussain Zaidi** (40), a bookbinder by profession, was shot dead as he sat outside his shop in Lahore by two gunmen who drove by on a motorbike. He had no political affiliation and no personal enmity with anyone. On 4 September 2001, **Ali Hussain Naqvi**, prayer leader in the Sajjidia Imambargah in North Nazimabad, Karachi was shot dead.

On 30 March 2002, **Arif Hussain Bhatti**, a Shi'a caretaker of an imambargah in Bahawalpur was shot dead by motorcycle riders as he was closing his shop; his son, **Najam Hussain Bhatti** was also shot dead as he turned to see the assailants.

## 2.d Other targeted killings of Shi'a

People belonging to different creeds who attempt to bridge sectarian differences and mediate between the communities appear to have been targeted by hardliners for their role. Sunni scholar **Ghulam Murtaza Malik** (62) whose views were reportedly close to the Shi'a school of thought, and his driver were shot dead by gunmen on a motorbike in Allama Iqbal Town in Lahore in the night of 7 May 2002. Unaware of the attack, two police officers on patrol duty intercepted the gunmen some distance from the first crime as they rode a motorbike without licence plate; the gunmen opened fire killing one of the police officers. **Allama Saleem Qadri**, leader of the Sunni Tehrik, who was reportedly opposed to sectarian violence, was shot dead along with five others in Karachi on 18 May 2001, allegedly by members of the SSP when he reportedly refused to support that organization.

At 8 a.m. on 3 February 2002, Shi'a baker **Sadiq Ali Hamshari** (47) was shot in his neck and head in his bakery which had a counter open to the road by a man who had come on a motorbike. He bled to death in the taxi that took him to hospital. He had noticed a motorbike in the vicinity for about a week but had to attend to his work and hence went to the bakery early in the morning as usual. According to his wife, "he was loved by the people, he was active in the local peace committee and used to go and mediate when there was trouble. He went and saw many victims and victims' families. My father told him, don't be so active, you will suffer but he took no notice. He said he was 'listed' but would not give up. His partner in the Irani Tea Company was shot a week later. I think the murderer was there at the hospital and later at the funeral. ... Sometimes I am at my father-in-law's house, sometimes at my sister's, but who can provide us protection, my children are so disturbed and my mother-in-law has lost her mental balance. He was a great man, a man of peace and he had many more things to do ..."



11-year-old  
Abbas Haider  
© private

At funerals of victims of sectarian killings, participants are often emotionally charged and violence often follows, but funeral processions are also sometimes attacked by sectarian militants. On 4 March 2001, a Shi'a funeral procession was shot at in Sheikhpura, Punjab province, killing eight mourners. The funeral in early August 2001 of Syed Zafar Hussain Zaidi, director of the defence ministry's research department, who was shot dead on 30 July 2002 in Karachi, was reportedly taken over by Shi'a activists who took the body in a procession through central Karachi against the family's wishes; the protesters, members of the TJP, threw stones at buildings and cars and shouted slogans against Sunni hardliners.

On 12 March 2002, some 2,000 protesters accompanying the funeral procession for two TJP activists, Zulfikar Haider and Anwar Termizi, who had been killed the day before in Karachi, attacked two closed banks with petrol bombs setting one alight and briefly blocked the road to the airport with stones until police dispersed them using teargas. The two Shi'a victims were among six people reportedly killed in sectarian violence on 11 March 2002 in Karachi; in Punjab province two other Shi'a men were reportedly killed on the same day. According to local observers, Haider and Termizi were targeted in retaliation against the killing of a wanted activist of the Lashkar-e-Jhangvi, Shakeel Anwar, who died in an 'encounter' with police on 10 March 2002 in Bahawalpur, Punjab province. Shakeel Anwar was suspected of planning the killing of several Christians in Bahawalpur in October 2001. It is not known what, if any, links exist between the TJP activists and the 'encounter' killing in Punjab.

Revenge also appeared to have been the motive for the killing of TJP finance secretary and banker **Syed Aqeel Haider Naqvi** (58) on 27 June 2002 in Multan; he had led a protest march against the killing ten days earlier, on 17 June 2002, of three Shi'a youths, some of them his neighbours, outside an imambargah in Multan. Retaliation may also been the motive in some of the killings of Sunni doctors in Karachi. The targeted killing of **Dr. Anwarul Islam**, a Sunni, occurred after four Shi'a doctors had been killed in targeted shootings in Karachi shortly before. On 13 March 2002, Anwarul Islam, an ear, nose and throat specialist, was killed by motorcyclists in Karachi as he left his clinic in the city centre in the evening.

Patterns of sectarian attacks also point to the desire for revenge as a likely motive. Following the hanging on 28 January 2001 of SSP activist Haq Nawaz who had been convicted of the murder of Iranian diplomat Sadiq Gunji in 1990, attacks by rival sectarian groups in Hangu on the next day left 14 people, mostly Shi'a, dead. On 4 March 2001, 12 Shi'a were killed when six gunmen opened fire on a Shi'a owned shop and a gathering at a Shi'a graveyard in Sheikhpura. On 12 March 2001, three gunmen suspected to belong to the SMP opened fire on a Sunni mosque in Lahore, killing nine members of the congregation and injuring 11 others in what police said was a revenge act for the Sheikhpura killings.

Similarly on 4 October 2001, an attack on the al Murtaza imambargah in Mehmoodabad, Karachi, left six Shi'a dead, including three children. Police said it was likely to be related to the arrest of five LJ activists a few days earlier. Two days after the attack on the imambargah, on 6 October 2001, four Sunnis, including one child, were killed and eight others injured in an attack on the Darul Uloom Rehmania in Karachi.

Moharram, the month in the Muslim calendar which Shi'a mark by religious gatherings and processions to mourn the death of Imam Hussain, the prophet's grandson in the 7<sup>th</sup> century, are an occasion for frequent clashes between Shi'a and Sunnis as well as targeted killings despite usually strict security measures by police. On 18 March 2001, a Shi'a member of the local municipal council in Machh town, Balochistan, was shot dead by men on a motorcycle as he left his home to attend a religious gathering specific to Moharram.

Attacks on imambargahs and mosques have increased in number and intensity in recent years. On 26 February 2002, 11 Shi'as were killed and 16 injured in the Shah-e-Najaf imambargah in Rawalpindi where some 30 people had congregated for prayers. Two unidentified militants

entered the compound, locked the doors and opened fire on the congregation. In the following days over 50 people were arrested but most were released again as they had no connection with the attack. The killings occurred at the time when most of the Islamists arrested after President Musharraf's speech on 12 January 2002, had just been released. Twelve women and children were killed and some 30 others injured on 25 April 2002 in a bomb blast in an imambargah in Bhakkar, Punjab province.

## **2.e Impact on families of victims of targeted killings**

Families of victims find it difficult to cope with the loss of loved ones who often lived exemplary lives yet were objects of hate. The widow of a victim said: "My mind cannot accept that he is gone. We are all very disturbed, all his friends are. ... He was always helping others, he was earning a lot of money over there [abroad] but he came back to help here. I cannot understand why anyone would want to target him." His brother said, "... he was not a man of this world, he was too good for it and paid with his life". The cousin of another victim told Amnesty International, "I cannot understand why anyone would want to hurt him. I cannot describe it, he was there for all of us, and for so many others. He was so young and had his whole life before him. He was so alive, so full of plans ..."

But relatives often have to face other problems as well, including continued harassment and threats, fear for themselves and their children and economic uncertainty.

The widow of Dr. Raza Jafri, Dr. Uzma Raza Jafri, reportedly received threatening letters a few weeks after the murder in May 2001; they said that if she did not change her sect, her children would also be targeted. A letter of 28 June 2001 says:

*Widow of Dr Raza Jafri,*

*You have already seen the fate of your husband Dr Raza. It is our faith that all Shi'a are infidels. To kill them is an assurance of heaven. It is time that you follow the right path and change your faith. Otherwise for all of you [Shi'a] it will be difficult to live in Pakistan. ... Don't you care for your children? We see lots of police and army activity around your house. It is of no use. The police are with us. What have the police done to us in case of Dr Raza's murder? We are cautioning you. Let this be a warning. Stop supporting the ... imambargah and change your faith. Otherwise you will meet the same fate as your husband.*

*Your well wisher*

Most of Dr. Jafri's family, including his widow and three young sons, and others have meanwhile left the country for fear of further violence. Another relative of Dr. Raza Jafri, Zamarrud Husain Jafri (40) was attacked on 29 January 2002 and received a bullet injury in his leg while his friend, Jawwad Rizvi who was driving the car, died of his injuries. Other family members have received threats. The male members of the Jafri family feel at risk and take precaution by trying to vary the times and routes they use when leaving the house whereas the women of the family stay at home as much as possible.

Relatives of Dr. Safdar Zaidi, shot dead on 4 March 2002, received phone calls after his murder similar to the threatening phone calls which the victim himself had received before his death. Dr. Zaidi's nephew and brother reported that they were taunted on the phone in Dr. Zaidi's house and made aware that they were being watched: "*Did you bury your uncle, did your relatives come from the United States, did you see what happened to him? ... Soon it will be your turn*". On several occasions, cars with unknown occupants stopped in front of the house only to speed away when police appeared. The family felt ambivalent about the two police guards provided to them as this made them more conspicuous.

The sense of insecurity is very widespread. The family of Shaukat Mirza told Amnesty International: "We can't live normal lives any more, we change our cars, we change routes, we frequently call each other on our mobiles to make sure we are alright, we are always under

stress. How can we live like that? If someone looks at us, if someone stands outside our gate, we call the guards to check up.”

Family members who may have witnessed killings are particularly at risk. A teenaged son of a victim of a targeted shooting in Karachi was also injured and taken to hospital. His mother told Amnesty International that she was informed of a man visiting the hospital to inquire about the boy; thanks to the alertness of its staff, all information about the boy was withheld. However, on the day of the funeral, someone rang the family to say that the child had died in hospital. This proved to be untrue but served to unsettle the family further. The widow told Amnesty International: “I constantly fear for his life as he can identify the murderer; I take him to school in the morning and bring him home in the afternoon but cannot allow him to play outside. He is missing his father badly ... “Asked about official protection, she said it would “make our life even more difficult and conspicuous. Besides guards would ask for food and pocket money and we cannot afford this. No, we live quietly and stay at home as much as possible. We cannot leave Karachi ... and here our family is helping us. In other cities we might be at risk also so what is the point?”

Another widow of a victim told Amnesty International, “I have no backing, I am alone, I don’t want anyone to know about this ... I often cannot sleep; I wake up if I hear a motorbike at night and get up to see if the children are alright. I am very afraid for my three children. They are very upset and I have to calm them often. They get upset by unknown noises, and don’t want to leave me and the house. Our big son came back from London where he studied, he does not want to return and leave us alone. His career is affected no doubt ... We cannot go back to normal life.”

While Amnesty International understands that victims and victims’ families are hesitant about armed guards and other highly visible measures which might call attention to themselves, the organization believes that this does not relieve the government of its obligation to find suitable and acceptable ways to protect victims’ families and potential victims.

The killing of highly qualified professionals clearly also has a sharp economic impact for their families. Often families bereft of their main bread earner economically collapse. In the absence of welfare provisions, they have to move to cheaper homes and sometimes children of the victims cannot continue their education. While there are no distinct support networks within the Shi’a community, often relatives take care of affected family members for some time and ensure that children can continue their education. There are no specific Shi’a defence organizations to look after those who cannot fall back on family support.

Official support for victims’ families has been lacking. The widow of Dr. Syed Rashid Mehdi, killed on 12 February 2002, told Amnesty International that with a new-born child she could not go to work but she had not received either pension or compensation for her husband’s death nor any official expression of condolence. Her husband had been employed by the provincial government but, she said, only the federal government provides compensation for its employees. Compensation payments, when they have were made by the government, appear to have been allocated on an arbitrary, perhaps discriminatory basis. While most Shi’a families of victims said that they had not received any compensation, some families of Sunni doctors have received compensation. These include Dr Hafiz Amir Muavia (35) a Sunni urologist who was shot on 20 April 2002 at close range by unidentified assailants in front of the Neurospinal Medical Institute as he was about to get into his car after seeing his last patients in the hospital. He died hours later of his injuries.

Although to Amnesty International’s knowledge no children or female relatives of Shi’a doctors have yet been targeted - though some have been killed along with their targeted male relatives, as well as drivers and other staff who happen to be present at the time of the incident – concern for their safety and needs are major grounds for many doctors leaving Pakistan. Doctors in Karachi have told Amnesty International that they have to take the risks

both to their children and to themselves seriously as they are committed to providing good education to their children and want them to grow up in an atmosphere free from daily fear.

According to Dr. Habib Soomro, General Secretary of the PMA, “30 doctors fled Karachi during the first two weeks of March alone following the killing [of Dr. Safdar Zaidi] and many others of the city’s 7000 practicing doctors are planning to follow suit.” However, PMA President Dr. Tipu Sultan added, “escape can never be the solution.” Sindh Minister for Health, Ahsan Ahmed is reported to have said that more than 2,000 doctors had applied in the past one year to leave because of the security situation and the economic crisis. Amnesty International was told that a number of Shi’a doctors training or working abroad had decided not to return to Pakistan because of persisting insecurity. Leaving the country is not always an easy solution for doctors, many of whom leave behind an established practice and situations of esteem and trust. Those who leave the country often have to take further training and pass more professional examinations to restart their careers at a much lower level than the one they left behind, at a time when they may be in trauma, having lost a family member to targeted violence or after having received threats to their lives.

There have been a number of prominent Shi’a who have sought asylum abroad, not always successfully as governments have not always acknowledged that members of the Shi’a community are not provided adequate state protection against attacks by Sunni Islamist groups. A religious leader belonging to a well-known Shi’a family in a big Pakistani city who had also founded an imambargah in his city, is known to Amnesty International since he left Pakistan with his family five years ago. He had received threats by letter and on the phone from the SSP since 1992, whose members fired shots outside his house, attacked the car in which he and his family were riding and threw stones at them. Police did not assist him in any of the cases of threat or attack he reported. A year after he left Pakistan, shots were fired outside his house and his mother died of a heart attack; a month later, he was informed that people had attempted to set fire to his house and opened fire on the house injuring his brother. Police were then sent to guard the house but family members who remained in Pakistan continued to receive threatening phone calls. In the same year, one of his cousins died in an attack by three men on a funeral procession in which 23 people were killed. The country in which he sought asylum stated in early 2002, that the state of Pakistan was willing to protect him and that he did not face any risk and could be removed to Pakistan.

### **3. TARGETED KILLINGS OF CHRISTIANS AND WESTERNERS**

Whereas Western visitors and residents were occasionally targeted in the past<sup>30</sup>, following the events of 11 September 2001 there has been a wave of such targeted killings in Pakistan leading several governments to withdraw non-essential staff of their embassies, to close consulates and to warn their nationals against non-essential travel in Pakistan. The target of some of these attacks were heavily guarded whereas others were ‘soft targets’ requiring little planning and use of force to achieve maximum effect. Since 11 September 2001, nine attacks on Christian and Western targets have claimed at least 65 lives.

On 28 October 2001, 16 people died when five gunmen shot dead a Muslim police officer posted outside the Catholic church in Bahawalpur, Punjab province, entered the church and indiscriminately fired into the congregation killing 15 Pakistani Christians. Wall Street Journal journalist Daniel Pearl who was investigating Islamic militancy in Pakistan, particularly the links of ‘shoe bomber’ Richard Reid to militant groups in Pakistan, was abducted in Karachi on 23 January 2002 and later killed.<sup>31</sup>

<sup>30</sup> Earlier attacks on foreigners in Karachi include shooting of two US consulate officials in March 1995 and the shooting of four Union Texas oil officials and their driver in November 1997.

<sup>31</sup> Four people were arrested, including UK-born Ahmed Omar Saeed Sheikh and three other Pakistanis. They were tried for abduction in an anti-terrorism court first in Karachi, then in Hyderabad. Ahmed Omar Saeed Sheikh was sentenced to death, the three other men to life imprisonment. The four men have filed appeals against their

While a bomb blast which shook a Protestant church in Islamabad on 14 January 2002 had not injured anyone, on 17 March 2002, five people, including the wife and daughter of a US diplomat, were killed and some 40 wounded when a man walked into the International Protestant Church in the heavily guarded diplomatic enclave in Islamabad and threw hand grenades into the congregation. The attacker was also killed. On 8 May, a bus with French naval engineers in the entrance of a five star hotel in Karachi blew up when a suicide bomber crashed his car into it. Eleven French engineers and three Pakistanis were killed, including the unidentified attacker. On 14 June 2002, a car full of explosives was crashed near the US consulate in Karachi; 12 Pakistanis were killed including the suicide bomber and at least 20 others were injured. No US staff were injured. On 13 July 2002, a hand grenade was thrown at a bus carrying mostly German tourists near Mansehra, in the North West Frontier Province; twelve people, including seven German tourists were lightly injured, none was killed. On 5 August 2002, four masked gunmen stormed Murree Christian School, near Murree where some 146 children of foreign aid workers live along with some 30 - 35 foreign staff. They shot dead six Pakistani men, mostly guards and other staff and injured four; none of the foreigners were injured. On 9 August 2002 in Taxila, Punjab province, three men threw hand grenades at members of the Christian congregation as they emerged from the chapel of the Presbyterian Missionary Hospital after morning prayers. Five Pakistani nurses and one of the attackers were killed and at least 25 others were injured; it is not clear if the attacker killed himself or was shot dead by his accomplices after being caught by hospital staff or by someone else.

In the latest attack on 25 September 2002, eight Pakistani Christians were shot and another injured when in the early morning two gunmen broke into the office of the Christian charity Committee Justice and Peace on the third floor of a busy commercial building in the centre of Karachi. The gunmen tied up and gagged eight staff members and then methodically shot them in the head at point blank range and beat a ninth person before leaving. Six of the victims died on the spot while two others died in hospital. The staff member who had been beaten was taken for questioning by police but was in a state of shock.

The organization, which is supported by Protestant and Catholic churches, has been working for 30 years for poor and marginalized people, particularly workers and women, of any creed, providing legal aid and supporting development projects. Two days before the attack, two detained men who allegedly belong to the Harkat-ul-Muhahideen al Almi had confessed to police that more attacks on Christian targets were planned.<sup>32</sup> Security near churches and Christian institutions was reportedly increased but there was none at the Justice and Peace office at the time of attack. This attack is seen by human rights activists as pointing to Islamists now possibly targeting non-Muslim or secular non-governmental organizations<sup>33</sup>; several of such organizations in Karachi and Lahore have reported receiving threats or visits by people threatening them. Catholic Archbishop of Lahore, Lawrence Saldhana saw the attack as “an expression of their anger at the crackdown on al Qa’ida elements in Pakistan”,<sup>34</sup> several of whom had been arrested in Karachi the week before. The day before the attack in Karachi, President Musharraf had said that after the effective crackdown on extremists, the law and order situation had improved and would continue to improve.<sup>35</sup> On 29 September, a bomb exploded outside a church hall in Sibi, Balochistan; no one was injured.

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conviction and sentences. Several other men were arrested before the trial was completed, and several others are wanted in connection with the murder of Daniel Pearl.

<sup>32</sup> Reported by *AFP*, 24 September 2002.

<sup>33</sup> Reports on the attack on the Justice and Peace Commission also brought to light earlier virtually unreported incidents, including the killing in May 2002 of Ivan Moon, the former chairman of Commission Justice and Peace in his nearby office and of two employees of the progressive groups Irteqa Institute of Social Sciences in August 2002. All three men had been bound to their chairs, gagged and injected with poison. These killings are by some human rights activists in Karachi believed to have been committed by Islamists.

<sup>34</sup> *AFP*, 25 September 2002.

<sup>35</sup> *APP*, 24 September 2002.

Government officials have claimed that the attacks on Christians and Westerners were carried out by members of the Jaish-e-Mohammad and the Lashkar-e-Jhangvi. Dozens of people allegedly belonging to these groups have been arrested and several suspects have been killed in 'encounters' with police. (see below under 5 (f))

#### **4. REASONS FOR TARGETED KILLINGS OF SHI'AS AND CHRISTIANS AND WESTERNERS**

##### **4.a Shi'a views of targeted killings of Shi'a**

The effects of the targeted killings of Shi'a, particularly of Shi'a professionals, on the minority community may point to the purpose pursued by those perpetrating the killings. A relative of a Shi'a victim told Amnesty International in April 2002 in Karachi: "they have eliminated the most promising members of the community, those with promise, potential, our elite. Ironically most of those killed were involved in welfare projects that benefited all, Shi'a and Sunni alike, without regard to their faith. ... Do you understand what it means if that group is suddenly missing, removed by the zealot's guns?"

Most of the relatives of Shi'a victims of targeted killings share this perspective; they believe that Sunni militant organizations target community leaders and admired role models in order to debilitate the community by making it leaderless and drive its members out of the country or discourage those already abroad from returning to Pakistan. Many spoke of a 'religious cleansing' or of a 'professional cleansing'.<sup>36</sup>

The killing of doctors may have a wider impact on society than the killing of other professionals, depriving a large number of people of professional care and persons of trust. "The higher qualified a doctor is, the larger his potential for the community, the greater the likelihood that he will be targeted", a relative of a victim of a targeted killing said to the Amnesty International delegation, "our best are targeted not for what they do or say but for who they are".

Several people who had suffered the loss of a loved one to sectarian killing told Amnesty International that those responsible for education and media policies share some responsibility for sectarian hatred as they had failed to objectively portray their faith and contribute to communal understanding. A cousin of a recent victim of sectarian violence said, "sectarian strife has been going on for some time now but a lot of people involved in it have no idea what our faith is about. It is about love of the prophet who has said that killing a person is like killing the whole of humanity. They are indoctrinated to believe that they will be rewarded in the hereafter for killing Shi'a. If they knew what our belief is all about, there would be no more killings." Several Shi'a family members of victims suggested that the media in Pakistan should play a more constructive role in informing communities about each other to overcome prejudice and ignorance.

##### **4.b Non-Shi'a views of targeted killings of Shi'a**

Non-Shi'a tend to view the targeted killings of members of the Shi'a community in terms of more encompassing national developments. Many observers and political analysts in Pakistan told Amnesty International that the killing of Shi'a doctors and other Shi'a professionals appeared to be part of the motive of militant sectarian groups to send a signal to the government that they would not tolerate government attempts to curtail their activities. Some observers also told Amnesty International that with the return of many Islamists from Afghanistan where they had fought alongside the Taliban, such groups may now revert to and intensify the fight against older perceived adversaries, the Shi'as of Pakistan. A human rights activist in Lahore characterized the mood in sectarian groups as one of 'despair and anger' after their debacle in Afghanistan and in the context of dwindling official support in Pakistan.

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<sup>36</sup> For instance a letter to the editor in *Dawn*, 22 March 2002, mentions the 'professional cleansing' of Karachi.

Intensified targeted killings of Shi'a could be seen as an attempt to regain lost ground, to assert themselves<sup>37</sup> and, by creating a law and order problem, punish the government.

Some government officials have also pointed to the militants' presumed motive to economically weaken Pakistan. Interior Minister Moinuddin Haider stated that the targeted sectarian killings in Karachi were intended to discourage economic investment and so harm the country.<sup>38</sup>

#### 4.c Views of targeted killings of Westerners/Christians

The sudden upsurge in targeted killings of Christians and Westerners after Pakistan joined the US-led coalition against terrorism has drawn more national and international attention to its possible causes than the long history of targeted killings of Shi'a professionals. Church officials and diplomats in Pakistan and international observers agreed that the attackers had targeted Westerners rather than Christians even when threatening or killing Pakistani Christians.<sup>39</sup>

As in the case of the targeted killings of Shi'as, attack on Christians/Westerners were viewed as attempts at self-assertion of Islamists who oppose government moves including the alliance of Pakistan with the US-led coalition and the concomitant presence of US intelligence units in Pakistan,<sup>40</sup> the use of Pakistan airspace and landing rights by US forces, access of the US to Pakistan intelligence materials and the policy change with regard to Jammu and Kashmir<sup>41</sup>. President Musharraf called on state television for international understanding of 'our domestic environment resulting from our cooperation against terrorism'.<sup>42</sup> Riffat Hussain of the Strategic Studies department of Islamabad's Qaid-e-Azam University similarly said after the attack on the church in Islamabad: "This attack was meant to send the message that those who do not like this government and its alliance with the United States are far from finished."<sup>43</sup> Foreign assessments agreed: French government spokesperson Jean-Francois Cope agreed that the bomb which had killed 11 French naval engineers on 8 May 2002 in Karachi had targeted a Western power and "a member of the coalition against terrorism".<sup>44</sup> French Prime Minister Jean-Pierre Raffarin said on 9 May the attack in Karachi was aimed at "the countries taking part in the fight against terrorism in Afghanistan".<sup>45</sup>

<sup>37</sup> After the attack on the imambargah in Rawalpindi on 26 February 2002, Director General of the Crime Investigation Department (CID) of police, Tariq Pervez said that it had been intended to raise the morale of militant organizations and to bring them out of despondency after the recent crackdown.

<sup>38</sup> Quoted in Hasan Mansoor, "Violence against minorities in Pakistan. Under the gun: The Shi'ites in Karachi", in: *Himal*, April 2002.

<sup>39</sup> For instance: *Reuters*, 9 August 2002; similarly Law Minister Dr. Khalid Ranjha said of the attack at Murree that it was aimed at destabilizing Pakistan: "It was not anti-Christian, but geo-political". (*Reuters*, 6 August 2002.) Referring to the widespread equation of Westerners and Christians prevalent in Pakistan, the bishop of Lahore, Alexander John Malik, said: "If they [the militants responsible for recent attacks] think that by targeting us they might change the policies of America and England, they are mistaken." (*Reuters*, 9 August 2002.)

<sup>40</sup> The presence of US intelligence experts in Pakistan in the semi-autonomous tribal belt where US operatives were reported to have participated in raids on a madrasa in North Waziristan in which al Qa'ida fugitives were suspected of hiding, further hardened resentment amongst Islamist groups, leading to rocket attacks on some of the US operatives' quarters in Miranshah in North Waziristan. In May 2002, pamphlets were found in Peshawar during a raid on a printing press which called for 'jihad against Americans'. Pamphlets in hand written Pashtu, found in August 2002 in Waziristan, threatened to kill 'United States agents and informers' and offered rewards for anyone carrying out such targeted killings.

<sup>41</sup> Following attacks on the Indian parliament on 13 December 2001 tensions between India and Pakistan rose to a level where war between the two nuclear powers appeared imminent. In response to Indian and US demands to end the military standoff, President Musharraf announced that military troops had been directed not to allow Pakistani militants to cross the Line of Control into Kashmir. This was viewed by many Islamists as "betraying Kashmir's freedom struggle" and as giving in to Indian and US demands.

<sup>42</sup> *AFP*, 9 May 2002.

<sup>43</sup> *AFP*, 17 March 2002.

<sup>44</sup> Quoted in Rory McCarthy, "50 militants held as police hunt Karachi bomber", in: *The Guardian*, 10 May 2002.

<sup>45</sup> *AFP*, 9 May 2002.

Particularly in the month between the abduction of Daniel Pearl on 23 January 2002 and the disclosure of his murder, the identity and motivation of the abductors were analysed. The timing of Pearl's abduction, a mere 11 days after President Musharraf's speech condemning and outlawing Islamist groups and shortly before the President's first visit to Washington after joining the alliance<sup>46</sup> appeared to point to a reassertion of Islamist groups.

Following arrests of Al Qa'ida fugitives in the tribal belt and in several cities in Pakistan<sup>47</sup>, there has been much speculation in Pakistan that Pakistani sectarian groups -- many of which maintained links with the Taliban and al Qa'ida in the past -- may have linked up with these fugitives to carry out operations to punish the Government of Pakistan for its support to the US led coalition.<sup>48</sup> Recent attacks on Western/Christian targets have borne the hallmarks of al Qa'ida operations including the use of suicide bombers which had not been observed earlier in Pakistan. International media speak with a great deal of certainty about internal compulsions for President Musharraf to curb Islamist militants "at a time when al-Qaida has transferred its activities to Pakistan and forged new arrangements with Pakistani friends".<sup>49</sup> An investigation by correspondents of the London-based *The Guardian* into the strength of al Qa'ida one year after the 11 September attack showed "how al Qa'ida operatives are using local groups in Pakistan to organise new waves of attack on foreigners"<sup>50</sup>. Similarly *The New York Times* asserted that thousands of al Qa'ida fugitives were present in Pakistan though many were regrouping and returning to Afghanistan.<sup>51</sup> Foreign Office spokesperson Aziz Ahmed has repeatedly denied such links, saying, "these reports are fabricated and baseless".<sup>52</sup>

## 5. STATE INACTION WITH REGARD TO TARGETED KILLINGS BY SECTARIAN GROUPS

Amnesty International believes that the Government of Pakistan did not take adequate steps to prevent targeted killings by Islamist groups as the high number of such incidents indicate, nor did it ensure that the perpetrators of such abuses are brought to justice. Responding to international attention to the targeted killings of Westerners/Christians in Pakistan and apparently supported by US investigative expertise,<sup>53</sup> some two dozen Islamists have in recent

<sup>46</sup> "There is no doubt that the abduction was meant to send a message to General Musharraf and the Americans that the 'jihad' organizations may be down after the US-led assault on Afghanistan, but certainly not out." Syed Yahya: "Who killed Daniel Pearl?" in: *Newsline*, March 2002.

<sup>47</sup> Amnesty International noted in June 2002 (see its report: *Pakistan: Transfers to US custody without human rights guarantees*, AI Index: ASA 33/014/2002) that several hundred suspected members of al Qa'ida and Taliban had been arrested in different parts of Pakistan; such arrests of alleged al Qa'ida fugitives continue to be reported since then. In July 2002, a Kenyan national, Sheikh Ahmed Salim, was arrested in Karachi. He was described as one of Washington's most wanted al Qa'ida fugitive, allegedly involved in the 1998 bombing of US embassies in East Africa. He is believed to have maintained contacts with Lashkar-e-Jhangvi. Some reports suggest that he may have trained local groups to carry out attacks on Western or Christian targets. (*The Guardian*, 4 September 2002.) On 11 September 2002, Ramzi bin al-Shaiba, a Yemeni suspected al Qa'ida operative, was arrested in Karachi along with some 10 other suspects.

<sup>48</sup> Journalist and political analyst Ahmed Rashid stated on BBC World program 'Hardtalk' on 1 July 2002 that Taleban and al Qa'ida fugitives were not only living openly in Pakistan but relied on wide support: "Clearly there is a whole network, a whole grid of safe houses, of cars, of logistics, of support for these militants inside Pakistan ... Most of the Taliban cabinet is living openly in Peshawar, untouched. They go shopping, they meet people, they have dinner parties, they invite people to their homes. Many of them are living in Quetta and al Qa'eda are living in Punjab and Karachi."

<sup>49</sup> Martin Woollacott: "For Musharraf, being decisive is not an option", in: *The Guardian*, 31 May 2002.

<sup>50</sup> Also: "Fresh evidence ... suggests that the link between Osama bin Laden's network and the militants is much closer than that [sharing ideals]. Al Qa'ida has not only funded the attacks [on Western targets], it has also been responsible for the choice of Western targets." "Secret arrests: Key man seized", in: *The Guardian*, 4 September 2002.

<sup>51</sup> It said: "... of seven attacks launched against Westerners in Pakistan in 2002, al Qa'ida is believed involved in most of them, usually in tandem with local groups". *The New York Times*, 10 September 2002.

<sup>52</sup> *APP*, 10 September 2002.

<sup>53</sup> *The Wall Street Journal* of 23 September 2002 reported that several FBI staff stationed in Pakistan, US equipment for monitoring of email and satellite phone calls and US recruitment of local agents and informants had helped to trace Pakistani militants and al Qa'ida fugitives.

weeks been arrested and some of them been charged in connection with these killings but no corresponding effort has been made to end impunity for the killing of Shi'a professionals in Pakistan.

### **5.a Protection of victims and their families**

Security measures to protect likely targets of sectarian killings and to ensure the safety of members of victims' families have either been non-existent or inadequate.

Given the international attention focused on Western and Christian targets, security around Christian churches and foreign installations has been upgraded. Police officials in Karachi have on a number of occasions encouraged likely targets of sectarian violence or families of victims to seek arms licences to defend themselves or hire armed guards. Families of victims have said that they fear becoming more conspicuous and open to attack if they have guards outside their gates. Doctors have told Amnesty International that they find it offensive to be told to carry guns and ensure their own protection with the state abdicating their duty to protect them and imposing on doctors a task which is both against their professional ethos and unworkable. Karachi police asked the PMA to submit a list of most exposed doctors in dangerous localities but according to the PMA, doctors have been shot in all parts of the city and so this suggestion cannot solve the problem of insecurity; moreover, they fear that a list of doctors at risk might get into the hands of sectarian bodies and so add to the risk.

Many families of Shi'a victims of targeted killings have told Amnesty International that the best protection for them is not police guards posted outside their doors but an end to the impunity with which such killings are carried out. "If the killers keep getting away, and no substantial action is taken to stop them, the government gives an impression of indifference. Obviously, militants will understand that they will get away with more murder. The killers have to be arrested and sentenced", a victim's brother told Amnesty International. The widow of another victim questioned: "why aren't criminals who have confessed to killings sentenced? Why does it take so long, why are they let off? Why aren't the brains behind the attacks arrested? Are our leaders afraid of them?"

On some occasions, officials have admitted to a sense of helplessness in combating sectarian violence. President Musharraf is quoted in the media as saying, "the saddest part is that when I spoke to [Shaukat Mirza's] wife to condole the death of her husband she demanded justice. But where are the criminals who committed the crime?"<sup>54</sup> Amnesty International acknowledges that sectarian crime is difficult to combat. Sectarian militants operate often in small, fluid groups and are, according to reports, increasingly using hired hit-men who operate singly or in small groups and quickly disappear in the crowd after an attack. Witnesses are often intimidated or threatened, making it difficult to secure convictions. These difficulties do not, however, lessen the responsibility of the state to ensure the safety of all from sectarian attacks.

Both the police and the judiciary face a range of difficult problems in dealing with targeted killings. As a result, impunity prevails in some areas. Whereas in response to domestic and particularly international pressure, a large number of suspects have been arrested for their alleged involvement in the killing of Westerners/Christians, very few people have been arrested for the targeted killing of Shi'a in Pakistan.

For instance, the relatives of Dr. Syed Rashid Mehdi, killed on 12 February 2002, told Amnesty International that they were disheartened as they did not believe anyone would ever be held to account for the death. Despite the fact that several people had been present at the time of the shooting, nobody came forward to testify. Police told the family that they had arrested four persons but had not completed the police report in the five weeks since the

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<sup>54</sup>AFP, 2 August 2001.

killing when Amnesty International met the family. They were not hopeful that anyone would eventually be convicted for the murder.

No one has been arrested for the murder six years ago of 40-year old Shi'a child medical specialist, Dr Naqvi, who was gunned down in Saudabad, Karachi, on 24 June 1996 while examining a child patient. Two motorcycle riders armed with kalashnikovs had entered the clinic and asked patients not to move and opened fire, killing the doctor instantly and injuring a three-year-old boy and killing his father who had brought the child for treatment. This case is by no means an isolated one.

### **5.b Problems faced by police in dealing with targeted killings**

A High Court judge in Karachi told Amnesty International that police, who are under-trained and underpaid and too few in number -- Karachi has 30,000 men and officers in a city of 14 million people -- almost exclusively rely on interrogation; if interrogation strictly conforms to legal standards, religious militants do not yield sufficient information for a case to stand up in court. Other investigative techniques will have to be improved and taught more widely to yield better results in the effort to bring sectarian criminals to justice. Moreover, current performance standards for police require them to keep the number of complaints low and the solution of cases high. These requirements contribute to inefficiency: police either do not register complaints or complete investigations when the evidence available is not conclusive. They also contribute to the frequent resort to torture as a method to extract confessions although confessions extracted under torture are inadmissible in court. Some cases have collapsed when confessions were revealed to have been extracted under torture. Lawyers also pointed out that the legal framework of two weeks in which police have to collect evidence and conclude their inquiry is too narrow to allow for painstaking work and yields hasty and slipshod investigation reports as a result of which cases of sectarian killings collapse in court. Police officials have also mentioned that the lack of coordination between different law enforcement and intelligence agencies hampers the investigation of sectarian crimes.

### **5.c Lack of appropriate care taken by police**

Police lack of appropriate care plays a role both in the inadequate prevention of targeted killings and in the impunity with which such killings are perpetrated. Punjab Crime Investigation Department Director General Tariq Pervez stated that the attack on the Shah-e-Najaf imambargah in Rawalpindi in February 2002 had been the result of police lowering their guard. He said, "the police were not expecting such an act and even the mosque guard, who usually remained perched on the rooftop during prayer time, had left his post and was offering prayers himself when the attack took place."<sup>55</sup> Security lapses were also reported by local leaders after the attack in April 2002 on the imambargah in Bhakkar, Punjab province, in which 12 women and children were shot dead. No women police officers had been assigned to the search team to screen members of the congregation. The attacker was believed to have slipped into the building wearing the traditional veil. Following the attack on a church in Rawalpindi, four senior police officers were suspended for the security lapse which facilitated the attack; it is not known what lessons were drawn from such security lapses.

In some cases, police lack of action and care and subsequent apparent cover up of lack of care are simply ignored. Shaukat Mirza was shot dead near a police station but no action was taken against police inaction. A police officer posted at the traffic crossing where the shooting occurred reportedly first admitted that he had observed the killing but later withdrew the statement saying he had gone to get some water when the shooting happened. No action was taken to ascertain the truth of these statements.

Official acknowledgement of police failures abound. At an inter-provincial meeting on law and order in early August 2001 in Islamabad, President Musharraf expressed frustration at

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<sup>55</sup> Azmat Abbas: "Taming the militants", in: *Herald*, March 2002.

the failure of the government to stop violent crime and announced qualitative improvements in the workings at all levels of the law enforcement and intelligence services and the judicial process. In his speech on Pakistan Day 2002, President Musharraf criticised the effectiveness of the intelligence system and vowed to overhaul it. "We have to improve the performance of our intelligence agencies. Their duty is not to pass on information after the occurrence of the incident, their job is to warn before such an occurrence so that it could be checked."<sup>56</sup>

#### **5.d Fear for safety of police dealing with targeted killings**

Those accused of sectarian crimes have in some cases been forcibly freed by activists of their groups and threatened revenge against those responsible for their arrest. Accomplices have also threatened police. In some instances, police guarding likely targets have also been killed. The Muslim police guard outside the Christian church in Bhawalpur in October 2001 was the first to be killed in the attack. On 15 October 2001, two police constables on guard near the imambargah Shah-e-Najaf in Karachi were shot dead by men riding by on a motorcycle. This has led to a climate in which police often stand by when sectarian crimes are committed rather than prevent them and arrest the perpetrators. Mobile police were present at the crossing where Syed Razi Haider was shot dead along with his son by a motorcycle rider on 12 September 2001; however, they did nothing to stop the motorbike which got away. Other people present did not take any action either and later did not come forward to testify. Nobody was arrested in this connection.

Police officers investigating sectarian killings are known to have been killed in reprisal actions. On 4 February 2002, police inspector Mohammad Jamil, in charge of the Jhang police elite force was shot dead by two unidentified motorists; he had been instrumental in the arrests of several Lashkar-e-Jhangvi activists. The Senior Superintendents of Police (SSPs) in Gujranwala and Dera Ismail Khan and the Deputy Superintendents of Police (DSPs) of Shujabad and Lahore were also recently murdered, probably in connection with their work on sectarian violence.

Revenge attacks are reported against all levels of the state apparatus. Ehteshamuddin Haider, brother of the Interior Minister Moinuddin Haider was shot dead in late December 2001 in Karachi in what was believed to be a revenge killing connected to the interior minister's statements and strategy against religious militants. The interior minister had said only two days earlier that power would never be handed over to those minimally educated in the Qur'an which drew heated comments from Islamists. President Musharraf is known to have been targeted on several occasions as well, apparently in connection with his ban of Islamist groups.

#### **5.e Allegations of connivance of officials with Islamist groups**

There have also been reports that some police officers sympathize or even connive with the sectarian groups they are supposed to control.<sup>57</sup> When a new wave of targeted killings of Shi'a professionals began in early 2002, the Deputy Inspector General of Police, Karachi, was reported in the media as admitting that some elements within the police force may have sectarian leanings, colluded with militants and allowed them to get away. One of the few arrests made in connection with the murder of Shi'a doctors is that of a police constable posted in Korangi town police station, Karachi; he was reportedly charged with the murder of eight Shi'a, including three doctors.<sup>58</sup> During arrests in Karachi of members of the Harkat-ul Mujahideen al Alaami, some public officials were reportedly found amongst them. In July, an inspector of the paramilitary Rangers was reportedly apprehended as part of this group.

<sup>56</sup> Reuters, 23 March 2002.

<sup>57</sup> Hasan Mansoor: "Violence against minorities in Pakistan", in: *Himal*, April 2002.

<sup>58</sup> Hasan Mansoor: "Karachi sees fresh sectarian violence", in: *The Friday Times*, 22 February 2002.

In some cases, members of the administration have reportedly prevented police from carrying out their investigation of sectarian crimes. According to a recent report, detainees were set free after sectarian organisations used their contacts within the administration to secure the releases.<sup>59</sup> No investigation into such allegations of collusion are known to have been ordered.

### 5.f Problems of the judicial system dealing with targeted killings

Members of the judiciary have repeatedly complained that inadequate police investigation into targeted killings are the key reasons for impunity in this area, but another equally weighty problem for everyone in the criminal justice system dealing with targeted killings is their own personal security. The failure of the state in not providing sufficient security to everyone involved in the judicial process has contributed to the impunity with which sectarian killings are committed.

In fact, the security of everyone involved in the arrest and trial of a sectarian murder suspect is problematic; from the police officer who brings the sectarian suspect to court, to the warden locking him into his cell, to the judge hearing the case, the witnesses deposing against him and the lawyer defending him and the public prosecutor seeking his conviction. All are at risk of violent revenge action. General Secretary of the Karachi Bar Association, Mahmoodul Hasan is reported to have said, “ ... how can you eliminate terrorists without a powerful judicial system, which is lacking? Several lawyers, who have appeared against terrorists of one sectarian group or the other have been killed in the past three years.”<sup>60</sup>

The shortage of courts and qualified judicial staff further exacerbates the problem. Even anti-terrorism courts designated to try cases of sectarian violence, which are under the law obliged to hear cases on a day-to-day basis and conclude cases within seven days, now battle with a backlog of cases –despite more such courts having been set up recently.<sup>61</sup>

The backlog of sectarian cases is considerable. In March 2002 it was reported that 600 sectarian and terrorism related cases were then pending in anti-terrorism courts in Punjab, 900 in Sindh, 325 in Balochistan, and 25 in the North West Frontier Province (NWFP). Two hundred cases were pending in lower courts and 15 awaited decisions in high courts, four in the Supreme Court of Pakistan.<sup>62</sup> While sources in the Interior Ministry in early 2002 claimed that the heavy backlog contributed to the seriousness of the sectarian problem, the judiciary has repeatedly stated that incompetent investigation causes delays in the courts.

Judges, too, are afraid of revenge attacks. They are reportedly reluctant to conclude sectarian cases and leave them pending for a long time so that they are not identified with convicting and sentencing sectarian militants. Many cases simply collapse over time after frequent adjournments; trials that take a very long time provide many opportunities for sectarian detainees to threaten or bribe witnesses and judicial personnel or to escape.

The issue of trying those accused of sectarian violence was recently discussed in Karachi when the Sindh provincial government notified the trial in jail of over 30 cases against three members of the Harkat-ul Mujahideen and four members of the Lashkar-e-Jhanvi; earlier it had assured the higher judiciary that trials would not be held in jails. The judges of anti-terrorism courts to whom the cases had been allocated expressed concern for the security of court records that needed to be transported to jail for the hearings and for their staff. While police security cover was allocated to the judges, none had been made available to

<sup>59</sup> *Newslines* of February 2002 mentions the arrests in Karachi of several SSP activists who had engaged in street violence by the then Senior Superintendent East; he was ordered to release them; when he refused to comply, “a top police official, who was himself reportedly following directives from intelligence sources, personally intervened to ensure the men’s release”. The SSP was subsequently transferred. Naziha Syed Ali and Massoud Ansari: “Moving target”, in: *Newslines*, February 2002.

<sup>60</sup> *AFP*, 5 August 2001.

<sup>61</sup> In Sindh province, there are eight anti-terrorist courts now: four in Karachi, one in Hyderabad and three in Sukkur.

<sup>62</sup> *The Herald*, March 2002.

prosecutors and other staff and their families. In late August 2002, a judge refused to turn up for a trial of three Harkat-ul Mujahideen al Alaami members who had been charged with the attack on the US consulate in Karachi in which 12 Pakistanis were killed. The judge stated that he believed security for his transport to the hearing to take place in Karachi Central Jail was insufficient. Hearings were adjourned several more times due to insufficient security arrangements. Besides attacks on judicial officers, there have also been reports on those guarding judicial personnel. On 17 October 2001, police constable Syed Dildar Hussain Shah was shot dead while he was on guard duty outside the Karachi residence of a Shi'a judge, district judge Badin, Syed Ali Maqbool Jafri.

### **5.g Allegations of extrajudicial killings of people suspected of targeted killings**

In recent months several people suspected of sectarian violence have died in so-called 'encounters' with police, allegedly in an exchange of fire with police where suspicions exist that the victims were deliberately killed.<sup>63</sup> Some observers in Pakistan have told Amnesty International that they suspect that the purpose of such killings could be to avoid prosecution and the risk that official patronage of sectarian organizations might become publicly known in the course of a trial.

On 28 July 2002, four men believed to have belonged to the Lashkar-e-Jhangvi group and accused of the killing of 17 people coming out of a church in Bahawalpur on 28 October 2001, were shot dead when police took them in a van to Khairpur Tamewali, near Bahawalpur where they had allegedly hidden arms and ammunition. The van was allegedly ambushed on the road by gunmen believed to belong to the SSP who sought to secure the detainees' release. In the ensuing gunfight, all the accused and two of the attackers died. Police claimed that two police constables were also slightly injured in the 'encounter'. Local journalists looked for the injured police officers but could not find them, leading them to conclude that the 'encounter' had not really taken place. Shakil Anwar, another Lashkar-e-Jhangvi activist, who is believed to have been the mastermind behind the attacks on the church in Bahawalpur, had earlier been killed in another 'encounter' with police on 10 March 2002 in Bahawalpur.

Similarly, three of four militants allegedly involved in the attack on the mission school in Murree allegedly killed themselves on 6 August 2002 by exploding hand grenades near Khaddar village in Azad Jammu and Kashmir. They had supposedly been recognised by villagers who called police who surrounded them. When they saw no possibility to escape they allegedly blew themselves up.<sup>64</sup> Another four suspects, including two men allegedly involved in the attack on the church in Bahawalpur were according to reports killed on 8 September 2002 in an 'encounter' with police in Kahror Pakka, Punjab. Police from Lodhran said the two men were taken by police to recover arms and ammunition from a hiding place, freed by two gunmen attacking the police van; police subsequently chased the escapees and shot dead all four men. It is not known if any police officers were injured. On 29 September 2002, two more members of the LJ were killed in an 'encounter' with police near Chiniot, Punjab. During a press conference at Jhang, District Police Officer (DSO) Chaudhury Tariq Masood Yaseen said that the two proclaimed offenders had committed suicide by shooting themselves in the head.<sup>65</sup>

Riaz Basra, the most wanted alleged sectarian criminal in Pakistan, with dozens of criminal charges pending against him and with an official bounty of five million rupees for his death or

<sup>63</sup> Extrajudicial killings of criminal suspects have long been reported from Pakistan, particularly from Punjab province where police officers were alleged to have killed suspects rather than arrest them on account of their distrust of the judicial system.

<sup>64</sup> Interior Minister Lt.Gen. (retrd.) Moinuddin Haider was quoted as saying that a group of 15 bombers acting in groups of three were responsible for each of the attacks on foreigners and Christians. He said of the attackers on the school at Murree, "... before committing suicide and blowing themselves up with the grenades, they said that there are 15 of us, in groups of three and we are going to attack more churches ... After making that statement, they pulled out grenades ... all three crouched and pulled the pins of their grenades." (*AFP*, 10 September 2002.)

<sup>65</sup> *The News*, 29 September 2002.

capture, was killed on 14 May 2002 along with three associates in Vihari, Punjab. According to police, he was shot dead in an 'encounter' with police after an exchange of fire at the house of a Shi'a villager who had lodged complaints of the killing of 17 Shi'as in the area in 1996 and 1997 against Basra. The Shi'a man, according to the police version, defended himself, opened fire but also called the police who then shot Basra dead. Basra, who was originally a member of the SSP, broke ranks with it to found the Lashkar-e-Jhangvi with a few hundred followers and reportedly made it their mission to kill Shi'a clerics, political activists, professionals and police. In the village where he was eventually shot dead, some 20 Shi'as had already been killed. Cases against Riaz Basra were brought to court but witnesses had been threatened. He escaped arrest earlier by fleeing to Afghanistan in 1998 where he obtained Taliban protection despite repeated efforts by the Pakistan government to have him handed over. He is reputed to have run a training camp near Sarobi in Afghanistan where recruits from Pakistan were trained in the use of arms. Pakistani media, however, reported that Riaz Basra had been arrested some six months earlier on information from another faction of the LJ and killed in police custody.<sup>66</sup> No investigation into the allegation is known to have been initiated. In September 2002, President Musharraf reportedly said about the wave of targeted killings, that their perpetrators had, "the positive thing is that we have either rounded them up or killed them",<sup>67</sup> suggesting that killing suspects was an acceptable solution of the problem.

### **5.h Inconsistent measures to combat Islamist groups committing targeted killings**

It is important to investigate targeted killings and to bring the individual perpetrators to justice as this sends a signal that the government does not tolerate such abuses. It is equally important for the Government of Pakistan to consistently curb sectarian organizations which have called for, sanctioned or ordered sectarian violence, including targeted killings. The Government of President Musharraf has failed in this regard: It has pursued a zigzag course where crackdowns have alternated with gestures of accommodation towards sectarian organizations leading many observers to doubt the political will of the government in this regard.

Verbal commitments by the Government of Pakistan were impressive: On Independence Day, 14 August 2001, President Musharraf condemned sectarian violence<sup>68</sup> and banned two groups, the Lashkar-e-Jhangvi and the Sipah-e-Mohammad Pakistan for their involvement in such violence, froze their accounts and searched their offices; the political parties to which these groups are connected, the Sipah-e-Sahaba Pakistan and the Tehreek-e-Jafaria Pakistan were placed under observation. At the beginning of the year 2002, following the attack on the Indian parliament on 13 December 2001 blamed by New Delhi on Pakistani-based militants, and the ensuing military standoff between the two nuclear powers, pressure on the Pakistani government to rein in militants was intense. In his speech to the nation on 12 January 2002, President Musharraf banned five more organizations including the Sipah-e-Sahaba Pakistan and the Tehreek-e-Jafaria Pakistan as well as the Jaish-e-Mohammad, Lashkar-e-Taiba and Tanzeem-e-Nifaz-e-Shariat-e-Mohammadi<sup>69</sup>; the Sunni Tehrik was placed under observation. On Pakistan Day, 23 March 2002, President Musharraf announced his government's intention to review the intelligence agencies, replace the police act dating from colonial times and set up special anti-terror units to combat sectarian and political violence.

<sup>66</sup> Reported for instance Nasiha Syed Ali: "End of manhunt", in: *Newsline*, June 2002.

<sup>67</sup> *AFP*, 5 September 2002.

<sup>68</sup> Acknowledging the problem posed by sectarian violence, he had said on 2 August 2001: "enough is enough. We have to work more actively and aggressively in all areas where extremism is causing us harm." *AFP*, 2 August 2001.

<sup>69</sup> President Musharraf in his speech said it was "responsible for misleading thousands of simple poor people into Afghanistan", *AFP*, 12 January 2002. However, the government did nothing to stop up to 10,000 volunteers under TNSM leader Sufi Mohammad who entered Afghanistan in late October 2001 to fight alongside the Taliban.

Most of these announcements were only inadequately implemented; the ban on sectarian organizations was not fully enforced. The government did not take any action against Islamists engaging in public hate speech and encouraging violence; propaganda materials and slogans which contain incitement to violence against other sects are still on public display. Members of banned groups continue to conduct public meetings and to address followers. Donations to Islamist groups continue to be made in public collection boxes which have not been withdrawn. Funds of Islamist groups appear to have been moved out of known accounts into clandestine ones allowing the groups to continue to function without impediment.<sup>70</sup> On the whole, sectarian groups appear to continue to be well-funded and well-armed; they are not short of dedicated young workers. A senior judge said to Amnesty International, “too many people have too little to lose; that’s why the Islamists thrive”.

Repeated waves of arrest of Islamist militants have not yielded the desired results. After the speech of 12 January 2002, accounts of banned groups were frozen, their offices raided and sealed and countrywide some 2,270 activists arrested, usually under the Maintenance of Public Order Ordinance of 1961 which allows for administrative detention. However, most Islamist leaders had already gone underground and as was the case with earlier arrests, insufficient evidence had been collected by police making it impossible to file criminal charges against the detainees; as a result, all but some 250 detainees were released within days or weeks. Observers have told Amnesty International that police arbitrariness in carrying out arrests which were legally flawed or without sufficient evidence to secure proper charge and trial, may have contributed to a further hardening of Islamists’ stance.

Particularly the so-called de-weaponization drives<sup>71</sup> and the much heralded effort to mainstream the country’s madrasas have been marked failures. Measures to modernize the Islamic seminaries which traditionally provide free education, board and lodgings to children of the poorer section of society who cannot access the modern education sector, have been discussed for years. Some of these institutions turn out graduates ill-equipped to take up any work unrelated to the mosque and indeed some are socially alienated, opposed to modernisation and willing to sacrifice their lives for an ill-defined anti-Western *jihad*. Official patronage of madrasas began in the 1980s, fed by funds from Islamist regimes; it produced thousands of fighters ready to go to fight in Afghanistan and Kashmir. A recent study by the International Crisis Group in Brussels, said “... their constrained world view, lack of modern civic education and poverty makes them a destabilizing factor in Pakistani society ... and susceptible to romantic notions of sectarian and international jihad, which promise instant salvation.”<sup>72</sup> Only a small number of the 5-6,000 full-fledged madrasas<sup>73</sup> appear to preach or

<sup>70</sup> In April 2002, the State Bank of Pakistan asked all banks and financial institutions to freeze the bank accounts of three foreign organizations operating in Pakistan and alleged to have links to al Qa’ida. Pakistani media reported that accounts of militant organizations were closed but many groups had withdrawn funds beforehand. The Federal Investigation Agency (FIA) is believed to have begun a thorough investigation in mid-2002 into the financial affairs of all banned groups including identifying financiers and donors of these organizations; the organizations include Lashkar-e-Taiba, Sipah-e-Sahaba Pakistan, Harkat-ul-Mujahideen, al Rashid Trust, Al Badr, Saif-ul Muhaideen, Tehreek-e-Jafaria Pakistan and Jaish-e-Mohammad. However, public collection boxes continued to be displayed and filled. It is not known if foreign contributions have stopped.

<sup>71</sup> After announcements in February 2001 prescribing harsh punishments for the possession or sale of illegal arms, an unprecedented arms recovery drive began in May-June 2001 which offered an amnesty to those surrendering unregistered weapons. It yielded little: 84,000 firearms, including Kalashnikovs, carbines and 15 anti-aircraft guns, and about 163,000 rounds of ammunition were surrendered; a subsequent crackdown resulted in over 600 arrests and the seizure of over 1,000 guns. Officials were quoted as saying that the yield was ‘insignificant’ given the possibly millions of illegal arms in private hands. (*AFP*, 20 August 2002.) At an inter-provincial meeting on law and order in early August 2001 in Islamabad, President Musharraf announced an ‘intrusive and proactive’ campaign to recover illicit arms; Pakistan, he said was awash with weapons since the 1980s when Afghan mujahideen were armed to face the Soviets occupying Afghanistan. (*AFP*, 2 August 2001 and *Reuters*, 4 August 2001.) In May 2002, the display of arms was banned in the designated tribal areas and in mid-August 2002 illegal arms markets, operating particularly in NWFP were closed. Weapons are, however, as much in evidence in Pakistan as before and violent crime has not declined.

<sup>72</sup> International Crisis Group (ICG): “Pakistan: Madrasas, extremism and the military”, 29 July 2002, executive summary.

to be involved in sectarian violence<sup>74</sup> and to have links to militant groups but, based on their sectarian identities, part of their teaching consists in proving other sects wrong, declaring them ‘infidels’ or ‘apostates’. Many members of the Afghan Taliban as well as members of Pakistan’s militant groups emerged from madrasas in Pakistan.

The government of President Musharrad made several attempts to tackle the issue; its latest move is the draft Deeni Madari (Voluntary Registration and Regulation) Ordinance 2002, approved by the federal cabinet on 19 June 2002, which provided for the setting up of the Madrasa Education Board which is to register all madrasas within the next six months and support madrasas in modernizing their curricula to include English, mathematics and science subjects, provide free textbooks and salaries for teachers. Foreign students would need to be 18 year of age and to obtain a ‘no objection certificate’ from their home countries to pursue studies in Pakistan. Registered madrasas would not be allowed to receive foreign funding without permission of the Government of Pakistan. While in initial discussions madrasas that failed to be registered were threatened with closure,<sup>75</sup> this stipulation was later withdrawn after concerted criticism by Islamic groups who feared that the independence of madrasas was sought to be undermined.<sup>76</sup> Authorities insisted then that the Ordinance aims at purely voluntary registration and that no punitive measures were attached to anyone ignoring the Ordinance. The government in late July signalled willingness to amend the draft and a joint committee of government and madrasa representatives was set up to negotiate an acceptable compromise.<sup>77</sup>

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<sup>73</sup> According to Interior Minister Moihuddin Haider, there are some 600,000 students, including about 20,000 foreign students (of whom 18,000 are Afghans and the rest from Burma, Central Asia and the Middle East) in 5-6,000 full fledged madrasas which have full time students and residential facilities. If part time students and smaller mosque school are added the numbers will swell by hundreds of thousands. Madrasas belong to different sects, including Deobandis, Berelvis, Ahle Hadith and Fiqh-e-Jafira; they reportedly have a budget of some 1.5 billion rupees, more than the state budget for tertiary education. The ICG report speaks of over a million and a half students being trained for service in the religious sector at more than 10,000 madrasas.

<sup>74</sup> According to a survey carried out by Punjab police in the mid-1990s, of the 2,512 madaris belonging to different sects in Punjab, 746 are involved in sectarian violence and in some form of jihadi activities. Quoted in Massood Ansari: “The crackdown begins”, in: *Newsline*, January 2002.

<sup>75</sup> In his speech to the nation on 12 January 2002, President Musharrad had said: “If any madari is found indulging in extremism, subversion, militant activities or possessing any type of weapons, it will be closed. All madrasas will have to adopt the new syllabi by the end of this year. ... Foreign students who do not have proper documents would be required to comply with the formalities by 23 March 2002 otherwise they will face deportation.”

<sup>76</sup> The ICG report stated that the new draft law “does not envisage real intervention in the madrasah system because the clergy is opposed ... the law proposes no mechanism for enforcement or punishment for violations”; it said the suggested reforms were “cosmetic and lack substance, legal muscle or an intent to institutionalize long-term change” as the government appeared reluctant to confront the clergy which has traditionally supported the military and its regional policies. Clerics, however, branded the draft proposal an ‘anti-Islamic conspiracy’ to secularize education; the Jamaat-e-Islami leader Qazi Hussain Ahmed said, the proposal ‘usurps the independence of the religious institutions ... the madrasas are not averse to furnishing the accounts of their funds. But they are opposed to submitting the Islamic system of education into government hands’. (*AFP*, 31 July 2002. Qazi Hussain of the Jamaat-e-Islami called the requirement for foreign students uncalled for and ‘colonial tactics’ to restrict their access to institutions of learning in Pakistan. On 16 August 2002, Samiul Haq, head of the large Haqqania madrasa in Akora Khattak where thousands of Taliban were reportedly trained before returning to Afghanistan, reflected widespread resistance when he said that his madrasa would resist registration and that threats of withdrawal of funds were meaningless: “... the forces of the Western world want the independence of these madrasahs to be taken away by the government. ... they want to remove the essence of Islamic teachings taught at these seminaries. It is not registration, it is an attempt to take over madrasas in the name of regulation. They can get rid of any student or teacher and can even specify the place where they open a bank account. That is why we have rejected it.” *Reuters*, 16 August 2002.

<sup>77</sup> In a further move to avoid confrontation with Islamists, the government in August 2002 allocated some 800 million rupees for Madrasa reforms to be utilized over the next year (*The News*, 3 August 2002) and late in August released funds for three model religious schools with modern education facilities to be set up in Islamabad, Karachi and Sukkur. The chairman of the Council of Islamic Ideology said that they would start in September 2002 and provide religious as well as modern education up to the masters level. (*Associated Press of Pakistan*, reported by *BBC*, 25 August 2002.)

Observers also pointed out that official condemnation of sectarian violence was more muted before the referendum on 30 April 2002 and before the general elections on 10 October 2002 indicating an unwillingness to confront Islamist groups. In late July 2002, the government exempted students graduating from madrasas from the application of a new election law which bars non-university graduates from running in the October elections.<sup>78</sup> The Election Commission said that ‘for the purpose of forthcoming general elections, the holders of the ‘Sanad Shahadatul Almiya Fill Uloom il Arabia Wal Islamia (certificate in Arabic and Islamic Studies) ... shall be eligible to contest the forthcoming general elections’ and recognized such certificates as equivalent to M.A. Arabic/Islamic studies. It thereby overruled objections by the University Grants Commission which had denied that madrasa alumni met the criteria of graduation.

While the government detained politicians participating in public rallies since the ban introduced in May 2000, public meetings of Islamist groups were mostly ignored. The government did not take any action when it became known that one member group of the six Islamic party alliance, the Muttahida Majlis-e-Amal (MMA, United Council for Action) formed to jointly face the October 2002 elections, had earlier been banned.<sup>79</sup>

## 6. INTERNATIONAL LAW ON STATE RESPONSIBILITY AND AMNESTY INTERNATIONAL’S RECOMMENDATIONS

Under international human rights standards, states have an obligation to promote and protect the human rights of everyone within their jurisdiction. For instance, the Universal Declaration of Human Rights (UDHR) in its preamble states that UN member states “have pledged themselves to achieve ... the promotion of universal respect for and observance of human rights and fundamental freedoms”. Human rights treaties require state parties to ‘ensure’ that human rights are effectively implemented by taking positive measures to that end.

The obligation to ‘ensure’ the enjoyment of rights also means that the state has to ensure that private groups do not abuse the rights of citizens. If groups, such as Islamist groups in Pakistan, abuse specific rights of people, including the rights to life, security of the person, freedom of religion, thought and conscience and freedom from discrimination, and issue threats of such abuse, the Government of Pakistan is under an international obligation to take all possible measures to prevent such abuse and to investigate all reports of abuse with a view to bringing the perpetrators to justice.

**Amnesty International believes that the Government of Pakistan systematically failed to exercise due diligence when it did not take adequate measures to prevent abuses perpetrated by Islamist groups against members of the specific religious sects and communities, Westerners and Christians, to investigate such abuses and to punish those responsible for them.**

The concept of due diligence describes the threshold of effort which a state must undertake to fulfil its responsibility to protect individuals from abuses of their rights by anyone, including non-state actors -- people and organizations acting outside the state and its organs. The Special Rapporteur on violence against women has held that “... a State can be held complicit where it fails systematically to provide protection from private actors who deprive any person of his/her human rights.”<sup>80</sup> Due diligence<sup>81</sup> includes taking effective steps to prevent abuses,

<sup>78</sup> The law barring non-graduates from standing as candidates in the general elections was passed on 22 June 2002 and confirmed by the Supreme Court on 11 July 2002.

<sup>79</sup> The constituent members of the MMA, cutting across sectarian lines, are: the Jamat-e-Islami, Jamiat-e-Ulema-i-Islam (Fazl-ur Rehman group), Jamiat-e-Ulema-i-Islam (Sami-ul Haq group), Jamiat-e-Ulema-i-Pakistan, Markazi Jamiat-i-Ahle-Hadith Pakistan and Tehrik-e-Jaffaria Pakistan; the last mentioned was banned in January 2002. Leader of the former TJP, Allama Sajid Naqvi, joined the alliance leading the newly founded Islami Tehrik.

<sup>80</sup> UN Doc. E/CN.4/1996/53, para.32.

to investigate them when they occur, to prosecute the alleged perpetrators and bring them to justice in fair proceedings, and to ensure adequate reparation, including rehabilitation and redress. It also means ensuring that justice is dispensed without discrimination of any kind.

State inaction can be seen in a range of different areas. These include inadequate preventive measures; police indifference to abuses; failure to define abuses as criminal offences; discrimination in the court system; and legal procedures which hamper criminal prosecution. Beside state inaction, the state may also be in more direct ways responsible for human rights abuses committed by non-state actors as when state officials participate in the abuse or are aware of and acquiesce in the abuses. Complicity, consent, acquiescence and failure to exercise due diligence constitute a spectrum of different forms of state failure to protect individuals from human rights abuse.

Focussing on when the state fails to protect people from abuse by others, and how it can be held to share responsibility for the abuse, does not ignore the original abuser's responsibility. In every case, the direct perpetrator must be fairly tried and punished for their crimes.

When the Government of Pakistan did not give adequate protection to members of the Shi'a community and Westerners or Christians against threats and use of violence by Islamist groups and indeed, for whatever reason, failed to curb groups which are intent on sectarian violence, it was responsible for a failure to prevent abuses of a whole range of rights, including the rights to life, security of the person, to freedom from non-discrimination and freedom of religion. The obligation to prevent abuses can include the obligation to take a whole range of measures.<sup>82</sup>

Article 3 of the Universal Declaration of Human Rights states: "*Everyone has the right to life, liberty and security of the person.*" Islamist groups in Pakistan have violated the right to life, liberty and physical integrity when they attack, kill or threaten to attack and kill members of other sects on grounds of their religious identity. **Amnesty International urges the new Government of Pakistan to take all possible measures to ensure that militant groups do not abuse the right to life, liberty and security of the person.**

Sectarian groups also violate the right to be free from discrimination; they discriminate against members of other religious groups and particularly single out prominent people whose loss will adversely affect their community. The right to non-discrimination is enshrined in the Constitution of Pakistan and a range of international standards. The Universal Declaration of Human Rights says in Article 1: "*All human beings are born free and equal in dignity and rights ....*". Article 2 states: "*Everyone is entitled without distinction to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language ...*" **Amnesty International calls on the new Government of Pakistan to ensure that Islamist groups do not abuse the right to non-discrimination.**

Sectarian groups have also violated the right to freedom of religion when targeting specific religious groups; the Universal Declaration of Human Rights (UDHR) in Article 18 lays

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<sup>81</sup> The standard of due diligence was articulated and applied by a regional human rights court, the Inter-American Court of Human Rights. The Court stated: "An illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention [American Convention on Human Rights]." (Velasquez Rodriguez v. Honduras, (ser.C) No. 4, Judgment of 29 July 1988, para.172.) The Court stated in the same judgment: "The State has a legal duty to take reasonable steps to prevent human rights violations and to use the means at its disposal to carry out a serious investigation of violations committed within its jurisdiction, to identify those responsible, to impose the appropriate punishment and to ensure the victim adequate compensation." (ibid, para. 174.) The court pointed out that a single violation of human rights or one ineffective investigation does not establish a state's lack of due diligence.

<sup>82</sup> The UN Special Rapporteur on violence against women has noted that the due diligence standard is not limited to legislation or criminalization but encompassed a whole range of approaches including training of state personnel, education, and other measures, each of which, if found an effective tool for preventing violence, the state is obliged to adopt and apply with due diligence. (UN Doc. E/CN.4/1996/53, para 141.)

down: *“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”* **Amnesty International calls on the new Government of Pakistan to ensure that Islamist groups do not abuse the right to freedom of religion.**

Perhaps the most important measure to prevent religious discrimination is to institute a comprehensive program of education at all levels of society which teaches the values of tolerance and respect for human rights and creates an atmosphere in which dialogue amongst a diversity of beliefs is not only permitted but encouraged and cherished.

While the Government of Pakistan on numerous occasions verbally condemned sectarian violence, it did not take concrete and sustained action to investigate such abuses and to bring the perpetrators to justice. The duty to exercise due diligence also includes the duty to investigate and punish abuses. Calls by Islamic militants for sectarian violence have gone unpunished. Police have frequently been present during abuses yet failed to intercede and protect the victims and to adequately investigate such abuses. The state has taken action only in cases when there has been a public domestic or international outcry whereas in many other cases it has ignored abuses inflicted by militant groups. **Amnesty International calls on the new Government of Pakistan to promptly, independently and impartially investigate every report of sectarian violence and related threats and to ensure that those identified as perpetrators are brought to justice. Reports that police have extrajudicially executed people suspected of sectarian murder should also be investigated forthwith and those found responsible brought to justice.**

Amnesty International appeals to the new government not to shelter Islamist groups which call for or order targeted killings on sectarian grounds. It should ensure that such abuses are prevented and that they are promptly and independently investigated when they occur with a view to bringing the perpetrators to justice. The promotion of human rights for all and the protection of everyone from abuses by state and private individuals and groups should be made a firm and non-negotiable part of the government's program.

**Amnesty International also calls on the international community to suitably assist Pakistan in achieving these ends, particularly in the important aim to broaden the education system to enable it to contribute to religious tolerance and respect for human rights.** The organization encourages Pakistan to seek, and the international community to provide, assistance in training of relevant members of the criminal justice system in forensic policing techniques, including investigations which are consistent with human rights standards, particularly the right not to be tortured; assessment and improvement of rules on preparation and administration of criminal cases, ensuring efficient and effective investigations while respecting fair trial rights of the accused; and effective protection of witnesses and those participating in the criminal justice system.