

# PAKISTAN\*

## I. BACKGROUND

(Dr. Hassan Bajwa; comments by Katharina Lumpp, UNHCR)

### I.1. Historical and political background

According to the 1998 Census, there were 130 mio. people living in Pakistan. The rapid increase of 46 mio. since 1981 was mainly attributable to the growth of the urban population. The literacy rate of 38 percent (1995) for adult Pakistanis is very low as compared to India (85%) and Sri Lanka (91%). We also find a considerable gap between the literacy rate for women (24%) and men (50%). Primary school enrolment is 62%, compared to 90% for India and 100% for Sri Lanka - and enrolment in institutions of higher education is as low as 7%. In essence, then, a person who knows how to sign his or her name can already be regarded as educated. Many NGOs are trying to fight for educational and women's rights, but are hampered by a severe lack of funding. So far, besides declarations by Benazir Bhutto, which were never realised in practice, there has been no serious effort to push either for better education nor any sign of improvement of the situation of women. By and large, this is due to the fact that more educated people are better informed about their rights and less easily manipulated, which, quite independent of the question of who is in power, might not lie in the interest of the Pakistani elite.

The most important region in Pakistan is the Punjab, with ethnic Punjabis representing the biggest of the 56 language groups living in Pakistan. Although most of the national income is generated in Karachi and the Sindh area, the vast majority of investments are undertaken in the highly industrialised Punjab, which has been a constant source of conflict between the Mohajir (since 1997 'Mottahida') Qaumi Movement (MQM)<sup>1</sup> and the Punjabi-dominated political elite and national government. In addition, 70 percent of the army high command originate in the Punjab region.

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\* This report includes a summary of the presentations given at the workshop, information provided by Dr. Bajwa which he gathered during his last visit to Pakistan in early January 2000, and a short update on developments after the coup.

<sup>1</sup> Some years ago, the party decided to open itself also for non-Mohajir, i.e. not only for those who migrated after 1947 from India to Pakistan. Therefore, the name was changed 1997 into Mottahida Qaumi Movement.

## I.2. Political Structure

A very distinct feature of Pakistani national culture is tribal and clan affiliation. As a consequence, people do not vote for parties or programmes, but primarily for persons as representatives of their clans/families, unless they base their electoral choice exclusively on material incentives, i.e. money for their vote. This is also reflected in the organisational setup of most parties, with next to none inner-party democracy and very steep hierarchies. In addition, people also switch from one party to the other for money, i.e. they vote for the party that offers them more. Even members of parliament tended to do so before a law passed under the Nawaz-Sharif government provided that those MPs who changed party membership in an ongoing legislative period would lose their seats.

Highlighting the preeminent role a small number of powerful families and clans play in Pakistan, Aftab Ahmad Shaikh<sup>2</sup> stated in an interview with Dr. Bajwa: *“These [most important] families are divided into these four or five parties. Half belong to the PPP the other half is with the ML. They are all related. They want to be in power. You have three facts which play a role in Pakistan: 1. the political families, 2. the bureaucracy of Islamabad and 3. the army. The whole family is involved in the government or in the opposition, in the army, as judges. The power is divided into these three sectors and each is related to the other. Like that it is easy to plunder the country, to take the money and not to pay it back. When Sharif was in power he distributed the most valuable land to his VIPs.”*

Another important feature is the upper-class dominance of the Pakistani parliament. PMs from the middle and the lower middle class constitute less than 5% of members of the national assembly. In addition, political party organisations in Pakistan typically suffer from lack of finances. In contrast to most Western countries candidates of a party and electoral campaigns are not funded by the party but by the candidates themselves. In essence, the government and the national and regional assemblies are in fact only open to the rich. In recent times, the rural rich and feudal land owners who previously dominated the assemblies have increasingly been replaced by the urban rich and businessmen. Candidates for national office now need to spend an average of 20 mio. Rupees, which is the equivalent of 10,000 times the average annual income.

Due to the failure of the state to provide basic education and welfare, intermediary actors have become increasingly prominent. Many of them are financed by political and religious

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<sup>2</sup> Aftab Ahmad Shaikh is Senator of the Mottahida Qaumi Movement and deputy convenor. He takes care of the general affairs of the party and is a Professor of Law at a college in Karachi. Karachi, January 2000.

fundamentalist organisations, but also receive funding from dubious sources and through drug trade. This explains the phenomenon of the appearance of religious strongmen (e.g. the 'mullahs') in a rural society with a strong tradition of Sufism, which had been essential for the emergence of a very tolerant form of Islam in Southern Asia.

All parties do have a religious agenda, i.e. they are either Sunni or Shia, although only some parties do have an exclusively religious outlook and try to realise their religious school of thought. These 'religious' parties are typically very radical in their rhetoric and tend to dominate the public discourse on most relevant social issues. Certainly, since Pakistanis are generally quite religious, and the "wise men of Islam", the Mullahs and the Ulemahs wield "great moral power", religious parties remain very relevant political and social organisations. Nevertheless, when the former PML-government attempted to elevate the Sharia laws (Penal Code, Family Law, Tax System) to constitutional rank, allegedly in an effort to hold the fundamentalists at bay, it met with determined opposition and could not push the measure through. Moreover, on the political stage fundamentalist politicians are surprisingly weak and since they have consistently failed to get elected to the national parliament in significant numbers, they recently have resorted to electoral boycotts. Overall, there are five relevant political parties - two national (PPP, PML) and three regional parties (MQM, ANP, BNP) - and four important religious parties - three Sunni (JI, JUP, JUI) and one Shia (TJP).

### *Political Parties*

The 1997 elections were striking evidence of the high degree of dissatisfaction of the vast majority of voters with the political establishment. People were discontent with the PPP's feudal style of governing the country, the ongoing corruption, and the cabinet's failure to address the country's most pressing social and economic concerns. Thus, the meagre voter turnout of 32 percent came as no surprise. In addition, the party of incumbent prime minister Benazir Bhutto, the Pakistani People's Party (PPP), won only 17 seats in parliament, while her opponent Nawaz Sharif and his Pakistani Muslim League (PML) then occupied 134 or almost 80 percent of seats.

Besides those nationally oriented parties, there is a number of smaller parties with a pronounced regional agenda. The strongest of these organisations (1997: 12 seats) is the Sindh-based MQM, which despite its political relevance is quite often listed in statistics under 'others'. It started out as the All-Pakistan Mohajir Student Organisation, founded by Altaf Hussein and immigrants from India, the so-called Mohajir, in 1978, and changed its agenda and name to Mohajir Qaumi Mahaz (MQM) in 1984. Since immigrants typically do not

possess land in their host countries, there were no landowners among the members. Therefore, the feudal and master-servant-like relationships typical of all other Pakistani parties, did not exist in the immigrant community and its political representation, the MQM. Consequently, MQM's focus is rather egalitarian, although the role of Altaf Hussein, who is living in his London exile, is very similar to the one of Nawaz Sharif or Benazir Bhutto, thus reflecting the clan-like structure and extraordinarily personalised relations typical of political parties in Pakistan. Its founder Altaf Hussein was arrested and put in jail several times. In 1992, after the army moved into Karachi, with support of the army and security forces the Ahmad-Haqiqi-Group split from the Altaf-Hussein-Group and took over the offices that formerly had belonged to the MQM. Since then, relentless fighting between the two MQM factions and between the MQM-Altaf-group and the army and security services has been severe and cost the lives of many civilians. In 1997, the MQM changed its name a second time. This time 'Mohajir' (immigrant) was replaced by 'Muttehida', to signify the party's openness towards all minorities, despite its regional focus. Two smaller regional parties which also got elected to the national parliament were the Pashtuni Awami National Party (ANP - 9 seats), active in the Northwest border region, and the Belutchistan National Party (BNP - 3 seats).

### *Religious Parties*

Jamiat-i-Islami (JI), one of the most important and most strongly anti-Ahmadi Sunni parties, was founded in 1941 by Maulana Maudoodi. Historically, the JI has always been important for whichever government was in power, and continued to remain a major political player thanks to its good connections with the Hezb-Islami of Afghan leader Gulbuddin Hekmatyar as well as with the Kashmiri Freedom Fighters, who are backed by the security services and the army. Additionally, the JI can count on a radical and influential student wing, the Islami Jamiat-i-Tulebah. In accordance with most other religious parties, and in particular after its share of seats in parliament fell from eight in 1988 to only three in 1993, JI leaders decided to boycott the parliamentary elections in 1997. Another Sunni party, the Jamiat Ulema-e-Pakistan (JUP), which was founded by Maulana Noorani in the 1970s, played an important role in southern Punjab and the Karachi region. With the rise of the MQM, however, the JUP lost much clout and is today reduced to playing a minor part in Pakistani politics. The only religious party to participate in the 1997 national assembly elections and to win seats, was the Jamaat-e-Ulema Islam (JUI).

The only Shia party organisation is the Tehrik-e-Jafria-e-Pakistan (TJP), built up by Arif Hussain Al-Hussaini. The TJP forged strategic alliances first with the PPP (1990), and later

with the PML (1997), but never managed to make it into the government or at least put part of its agenda in practice.

### *Militant organisations*

Derived from the JUI, is the Anjuman Sipa-e-Sahaba Pakistan (ASSP), founded in 1984 by Maulana Nawaz Jhangvi. The same year, the regime under Zia-ul-Haq passed Ordinance 20, which denies Ahmadis the right to behave like Muslims. Established in a time of growing anti-Ahmadi sentiment, the Sipa-e-Sahaba was very strongly anti-Ahmadi right from the beginning, and more recently has increasingly also turned to harassment and physical attacks of Shia Muslims. As a reaction to Sunni violence and in order to protect themselves, the Shiites founded their own militant organisation, the Sipa-e-Muhammad ('Fighters of Muhammad'). The Imamia is a radical Sunni student organisation which emerged in the 1970s. Well-organised and well-equipped with arms ever since the Islamisation efforts of the Zia-ul-Haq regime, it attracted people from all over the world, who came to Pakistan for military training in order to fight the Soviet invasion of Afghanistan.

### **I.3. Society**

Closely connected to the political affiliation to certain persons and families is the feudalistic structure of the economy. Very often, people who need money borrow it from landlords - in exchange for their children's labour limited to a certain time span. For additional loans, landlords might demand ever more guarantees or higher interest. In many cases then, peasants become permanently indebted to their landlords and more or less 'sell' their children's labour, this time, however, for their whole lifetimes. Like in medieval Europe landlords own their people, adults and children alike. They can do with them as they please, and raping of women by their landlords is widespread. Furthermore, in case of opposition, peasants and their families may be put in private jails, without even undergoing a trial, and without hope that someone will help them. Even in urban areas feudal traditions continue to play an important role in people's lives. Urbanites quite frequently refer to their home as their village, and keep the village they were born in listed under 'permanent address' in their ID-cards, even if they know that they will never go back.

In addition, although according to the Quran women have the right to inherit and to choose their marriage partners, it is common practice to deny women this right. It may therefore happen that women are married to family members in order to secure property rights. Even

in the cities most marriages are arranged. Thus, while the average marriage age is about 18 years, couples are engaged by their parents as early as at the age of 9 years.

The class and caste system is another pervasive phenomenon in Pakistani society. Inter-caste marriages are not accepted, and people who do cross class lines may face severe sanctions by family members and the community as a whole. Mixed couples run a high risk of getting killed. To illustrate this, let us take a look at two young people from different castes who got married<sup>3</sup>. Although they were officially married, relatives who did not accept the marriage filed charges that she had been kidnapped and raped (by her husband). Since the local police and court would have put them in jail, they tried to escape persecution and ran through all of Pakistan. Finally, when they sought protection at the Sindh High Court, the husband was shot and seriously wounded on the court's premises. Therefore, although the legal system would protect them, in practice, the police and judiciary, at the local level in particular, are either unwilling or unable to provide protection from societal persecution. At the moment they are hiding in Pakistan and their applications for asylum in different European embassies have been turned down.

#### **I.4. The Military**

Ever since Pakistan's secession from India the military has been controlling the bureaucracy and the political, economic and social development. With the exception of the periods of 1973 to 1977, and 1988 to 1999, army generals ruled the country. Very pointedly, a graffiti in Karachi of August 1991 commented this fact: "We apologise for this temporary democratic interruption. Normal martial law will be resumed shortly." Zia-ul-Haq's dictatorship and Islamisation efforts in particular weakened the already underdeveloped civil society in Pakistan. Crucial to the military's continued dominance is the Kashmir conflict, which helps provide justifications for enormous military expenditures, and research and production of nuclear bombs as well as the costly import of other weapons and military equipment. The wars of the past (Kashmir, East Pakistan/Bangladesh) are always taken as an example to highlight the point that Pakistan simply cannot afford to have a weak army, and to ensure continued and widespread popular support for the military.

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<sup>3</sup> Kunwar Ahsan, 30, and Riffat Afridi, 18, got married in Karachi in early 1998.

## I.5. Recent developments

When army general Musharraf staged a non-violent coup on 12 October 1999 he did not originally intend to take over the government. Rather, the army - despite certainly having a contingency plan - acted out of self-defence, trying to prevent the second dismissal of a Pakistani Chief Army Staff within a single year. At the time of the coup there were ongoing heated discussions about the government's inability to tackle the country's most pressing economic and social concerns as well as the impunity with which officials from both PML and PPP were breaking the laws. The coup took many people by surprise. Those who were against the last government went through a state of euphoria, while the others went through a stage of mourning because they lost the privileges they had under the Nawaz Sharif government. According to some observers, the present government was initially also going through a stage of euphoria – a 'honey moon period' – i.e. they thought they were in control of the situation. However, by taking over power through a coup the new rulers violated the constitution, which is currently challenged in court by the opposition and will certainly not increase the new regime's legitimacy. Furthermore, the coup has given rise to hopes and expectations within the population, which the new rulers realistically will not be able to fulfil.

One case in point is the widespread corruption and loan defaulting in Pakistan. In addition, 42% of all the electricity produced in Pakistan was lost through leakage or theft. The National Bank estimated that the sum of defaulted loans - mainly by high officials of PML and PPP and their families - amounted to US\$ 5 billion, and that an unbelievable US\$ 50 billion had been defaulted by leading politicians from official sources, far more than Pakistan's foreign debt of US\$ 32 billion. After one precedent in 1998, when 70.000 troops were deployed to force people to pay their electricity bills, the army again tries to present itself as the only reliable and integer institution. Nonetheless, since corruption is much more than an individual phenomenon in Pakistani society, expectations that the new people in power should be less corrupt will hardly be met.

One of the first actions of the new government was to set a deadline for loan defaulters to repay their debts, while putting some two hundred of them under house arrest and issuing no-exit lists to keep all others from leaving the country. After failing to repay their debts, many ex-officials of both former governing parties PML and PPP were arrested and put in jail, and special courts were established in order to speed up the legal proceedings.

Furthermore, all provincial assemblies and chief executives were dismissed and replaced by technocrats. The same holds true for appointments at the national level, where - with the

exception of the top executive body, the eight-member National Security Council - the Cabinet of Ministers and the National Reconstruction Bureau (a think tank) both are constituted mainly by individuals with next to no political, but rather an economic or military background.

Initially, the popularity of the military regime was very high and the arrest of almost every leading politician under corruption or loan default charges meets with the approval of the vast majority of the population. The business community, too, responded quite favourably to the military takeover. First of all, most members of the new administrations were politically neutral bureaucrats and measures had been taken to regain control over the national budget and limit the country's burgeoning foreign debt. There was a modest rally at the stock exchange, the interest rate was cut by 2% and the exchange rate remained stable. Moreover, because control and prosecution of loan defaulters has been intensified, entrepreneurs now better plan their investments and at the same time lenders are more willing to give money to business partners who are reliable.<sup>4</sup>

Nevertheless, concerning the economic situation of the general population as well as the human rights and political situation there will be no major changes in the near future. First of all, insufficient funds for education and welfare, high unemployment rates especially among the well-educated, and the extremely unequal property and income distribution are problems not likely to be solved within a couple of years. The introduction of law and order as well as of the principles of good governance, as announced by the new regime, will also certainly not be realised over night. Presently, the new regime's main goal is to halt the economic deterioration and to fight corruption in the police, the military and the bureaucracy. Furthermore, there is still a steady, if slow, growth of fundamentalism, which the new regime is trying to slow down rather than support. It is difficult to judge exactly how much pressure Islamist organisations will be able to exert on the military government and what will happen after General Musharraf resigns and Pakistan returns to democracy. Most observers do not expect religious parties to get many votes in the next elections in spite of their high visibility and huge public forum. The government is and has indeed been very careful to keep fundamentalism of both sides at bay. One should add that the sole idea of a military

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<sup>4</sup> In an interview with Dr. Bajwa of January 2000 Kunwar Idrees suggested that: " Maybe not all of them are defaulters. But default could be rectified quickly. Once the political influence is back then what they have to do is to go to the bank and to get his loan rescheduled, not to pay the money, but to promise to pay. My own view is that all those who have been in the public life for the last 25 years in this country should given the option to retire. If they do not then they should face the charges of bank default and the other allegations. Then the new generation of politicians and that would take some time, those who didn't take part directly in the public life would get their chance. One can only hope that this new generation of politicians would behave better, follow democracy." (Kunwar Idrees was an official of the Pakistan Government for the last 36 years in the superior administrative cadre. He also served in the public, industrial and public banking sector. During the last 6 years he has been on the boards of some companies dealing with automobile and banking. He now presides over 3-4 boards but is not involved actively in the management. He writes also for Dawn, the biggest English newspaper in Pakistan.)

government, even without a marked increase of military presence in the streets, has recently led to a decrease of sectarian violence.

Due the pronounced law-and-order stance and initiatives of the new government, the security situation, especially in Karachi, seems to have improved. The number of victims of sectarian violence and people being killed in encounters with the police has decreased somewhat. Nonetheless, the situation of women and minorities continues to be marked by oppression, discrimination and exploitation. The very nature of the problems oppressed groups face precludes law-and-order solutions, and rather requires certain policy changes which have not yet taken place.

It is also important to note that there are an estimated 1.2 mio. recognised and an unknown number of unregistered refugees from Afghanistan living in Pakistan, which might pose an additional problem for the new regime. Not only are they putting pressure on state finances and on the national labour market but they are also likely to strengthen the conservative Islamist current in Pakistani society and have increasingly caused resentment by the local populations. The government has therefore changed its policy of treating Afghan refugees as prima-facie refugees and started to turn them back at the border, which mainly affects the Hazara minority of southern Afghanistan. Reportedly, there also have been first cases of Afghan nationals being arrested for illegal entry under the Foreigners Act.

More recently, critics of the new rulers have become increasingly vocal. For one, tensions have been again between India and Pakistan around the region of Kashmir and Pakistan's regime has come under mounting pressure from the United States in particular, while being confronted with a growing sentiment in Pakistan demanding a radical, military solution to the conflict. Concerning national policies, too, the military regime is facing harsh critique. First, the verdict against Nawaz-Sharif, who was sentenced to life imprisonment on charges of hijacking and terrorism, did not unexpectedly meet with the fierce opposition of the former ruling party PPP. Furthermore, General Musharraf, in an attempt to appease foreign critics, repeatedly expressed his intention to promote the rights of women and minorities (without ever mentioning Ahmadis as a group worthy of protection) and despite resistance appointed a Christian Minister for Minorities, Youth and Sports. However, when he proposed procedural reforms, which would have required a preliminary investigation of blasphemy charges by a Deputy Commissioner and were aimed at reducing abuse of blasphemy regulations, massive critique from almost all political sides followed. Not only did General Musharraf, branded as committing "*a rebellion against Allah and the Holy Prophet*",<sup>5</sup> have to withdraw his proposal

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<sup>5</sup> News Network International [<http://www.nni-news.com/>]: Religious leaders denounce plan to amend Blasphemy laws,

and refrain from his initiative, but religious leaders and fundamentalist editors also seem to increasingly gain ground, staging campaigns and rallies demanding to wipe out the Qadiani (Ahmadis).

## **II.1. SPECIFIC GROUPS AT RISK**

**(Katharina Lumpp, UNHCR; comments by Dr. Hassan Bajwa)**

### *Women and Children*

As mentioned above, women are denied many economic and social rights, e.g. the right to inherit or choose their husbands themselves. Furthermore, it is common practice that landlords rape women who live on their land with no hope for social or legal protection of the victims. Sanctions are very harsh if women break social norms, and in particular with regard to choosing their marriage partners, may include severe physical punishment and even death ('honour killings'), with no sufficient, if at all, protection from the authorities and judiciary. As a consequence of widespread poverty, the importance of the agricultural sector and the feudal structure of Pakistani society, child labour is very common. Since the issue of child labour is rather regarded as non-ideological, the promotion of children's rights and an improvement of their situation are not unrealistic. The fact that the previous government had started to take measures in this direction support this view. Based on the assumption that reform of the education system is central for a decrease of child labour, and given that the effects of such a reform will only be felt in several years, everything depends on how long the government will stay in power.

*Religious Minorities*Ahmadis

Most Islamic religious groups base their faith on the Quran and on the principle that 'after Muhammad, there is no other prophet to come' who will reform Islam. The approximately 1.5 mio. - 500.000 are estimated to actually practise their faith - Ahmadis, however, despite sharing the five pillars of Islam<sup>6</sup> with all other Muslims (73 Sunni and several Shia sects in Pakistan), do believe that their founder Ahmad is a prophet like Jesus, who came without bringing a new law. Therefore, the Pakistani parliament declared Ahmadis to be non-Muslim in 1974, and outlawed them practising Islam, since only Muslims are allowed to observe the Islamic faith. Accordingly, quoting the Quran and performing the same rituals by non-believers would be mockery and blasphemy.<sup>7</sup> Nevertheless, Ahmadis lived on and could still do their prayers without fear of severe sanctions until 1984, when parliament passed another ordinance to the Penal Code (295c) which made it possible for judges to sentence persons to death who were found guilty of certain blasphemy charges. The blasphemy law is used mostly only against Ahmadis and not so much against Christians. In addition, there have been filed only very few blasphemy cases against members of the majority.

Since then, blasphemy charges under Art. 295c of the Penal Code have been filed against hundreds of Ahmadis and thousands of them have been involved in other cases, but so far most of the accused under blasphemy have been acquitted after years of jail by the Supreme Court, and none of those put on death row have been executed. Also in accordance with the blasphemy provisions of Pakistani law, and although freedom of expression and freedom of press are usually respected in Pakistan, Ahmadis are not allowed to preach and most of their books and newspapers are banned. Even for simple greeting and praying, as well as for fasting or reciting the Koran people officially regarded as non-Muslims are regularly put in jail. In addition to blasphemy charges filed by private persons and subsequent prosecution and ill-treatment by the police and local courts as well as discrimination by officials and public employees in educational institutions, Ahmadis also face non-legal discrimination and harassment by private individuals, e.g. neighbours and potential employers. In general,

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<sup>6</sup> 1. God is one, Muhammad is his prophet.

2. Practice the five daily prayers.

3. Fasting in the month of Ramadan.

4. Once a life undertake the pilgrimage to Mekka. (In Pakistan, Ahmadi-Muslims usually do not get any visa and therefore cannot travel to Mekka.)

5. Pay the Zakat to the poor.

<sup>7</sup> The idea that no prophet would come anymore after Muhammad was not shared by many Muslim scholars during the last few centuries. Till now the Muslims are expecting the coming of the Imam Mahdi – a reformer and prophet who had to come in the last century (Ahmadis believe that their founder is the Imam Mahdi) and the second advent of Jesus, who according to Islam was also a prophet.

police tend to look away when Ahmadis are harassed, physically attacked or their property is damaged or destroyed, and no case is known where someone accused of committing a serious crime against Ahmadis or even killing an Ahmadi has been fined or sentenced.

Persecution by means of the legal system typically starts at the local level. A local mullah or a neighbour might file blasphemy charges against an Ahmadi. Often someone, who might be a hated neighbour or economic competitor, is arrested and falsely accused of criminal charges like kidnapping or theft. Later the blasphemy charge is added in order to prevent the suspect from getting out of prison, since no bail is allowed if the death penalty is applicable. Legal remedy at the local level is virtually hopeless which is in part due to pressure and threats from the local population and mullahs on judges to sentence Ahmadis very harshly. Put bluntly, there is no possibility whatsoever for Ahmadis to get acquitted or have at least the blasphemy charge removed before their case is reviewed by an Appellate Court. The High courts, too, are very reluctant to move quickly and act in favour of the accused individuals. As a consequence, they may spend four or more years in prison before they are acquitted. And even if they are acquitted, for the simple reason of belonging to the group of Ahmadiyya they have made the traumatic experience of being detained in Pakistani prisons, which are known for the inhumane conditions that prevail there, i.e. massive overcrowding and the regular use of torture.<sup>8</sup>

Ahmadis cannot escape persecution within the territory of Pakistan, and they even face the prospect of harassment in countries of the West. Khatam-e-Nabuwat (KN - 'Fight for the idea that the prophethood ended with the Prophet Muhammad') is an organisation which claims that death is the only possible punishment for an insult of the prophet Muhammad and therefore considers Ahmadi-Muslims to be their number one enemies. In Pakistan the KN has very prominent members, two of them being the Pakistani president Rafique Tarrar and Federal Sharia Court judge and present member of the National Security Council Dr. Mahmood Ahmad Ghazi. Banned in the UK because of their radicalism, they now direct most of their European activities from Germany. One of these 'activities' is the distribution of leaflets all over Europe, telling Pakistanis and other Muslims living abroad that it is their duty

<sup>8</sup> According to Dr. Bajwa, two Anti-Ahmadiyya cases were registered in October and in December 1999 and both times the Station House Officer (SHO) of the local police station was the person who registered the cases and not a civilian. The DSP [Deputy Superintendent of Police] in Lahore has more about that: "If a police officer is honest and no one complains against an Ahmadi he also should leave his hands from doing so. The recent case was like that that a person was asked to swear. Now if he wouldn't swear this would be a big problem, they would say that he is lying and they wouldn't register his complaint. So he did so but then he was asked if he is a Muslim and he said yes because he was born before 1973, before any law was made against the Ahmadis. He said that only later the Government declared Ahmadis as non-Muslim but still he believed that he was a Muslim. His religion is Islam and his sect is Qadiani. The SHO became himself witness and registered a case against this Ahmadi. Another SHO in District Sialkot registered a case against an Ahmadi claiming that he had used the prayer call. He only heard the call but there was no chance to find out from which of the many mosques the call was given. He did so to rejoice the public. The first case was registered two months ago and the recent one in December 1999. In Katiarian and in Killa Kalerwala, Tehsil Pasur, District Sialkot."

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to kill Ahmadis - who kills an Ahmadi will earn 'the blessings of God and paradise' - which has already led to some violent attacks on Ahmadis in Germany. There are also reports from Germany that invitation cards for a KN-meeting were distributed by Pakistani officials.

All in all, the Ahmadiyya Community remains the worst seriously persecuted and discriminated community in Pakistan. The coup did not fundamentally change the situation. All the above-mentioned laws discriminating against the Ahmadis continue to exist and there is still no legal protection of minority rights. Although the army can act more independent of the pressure of theocracy than political parties and General Musharraf is known to be quite liberal it is unlikely that the new government will abolish the anti-Ahmadi laws in the near future. Concerning legal reforms official statements only announced that the constitution will remain operative until it would be suspended by a special order. Therefore, it would be premature to say that this government was 'better' for the minorities than the former one.

Local religious groups and religious parties are very vocal, trying to pressure the government to implement harsher policies against religious minorities and especially against the Ahmadis. They have been trying to spread the impression that the new regime is trying to build up a secular state and that he is going to change the Islamic character of the constitution. So far, the government has ignored the protest of the fundamentalists. However, no concrete steps have been taken to ensure the special rights of minorities. Initially after the coup the witch-hunting against Ahmadis which had existed before had seemed to decrease somewhat. But as the recent failure of General Musharraf to reform blasphemy regulations amidst fierce criticism of religious leaders and opposition parties shows, anti-Ahmadi sentiment is on the rise again. Moreover, the press regularly publishes aggressive and defamatory articles against the Ahmadiyya community while officials quietly approve or at least do not interfere. Furthermore, repeatedly incidents do happen where houses are burnt down or Ahmadis are otherwise harassed.

The situation will neither materially nor psychologically change as long the constitution is not changed. Ahmadis still remain under constant pressure from neighbours, local mullahs and the authorities and by and large legally inhibited to raise their voice against discrimination and harassment. The press is rather populist and typically tries to please its audience, which is not particularly conducive to giving Ahmadis a public forum. Not only journalists but also 'regular' people who do not bear a grudge against Ahmadis are reluctant to appear pro-Ahmadi, scared of social and economic degradation and boycott.

### Christians

The situation of the half Protestant, half Catholic Christian community in Pakistan is much less dramatic. In contrast to Ahmadis, Christians, who typically lived in very closed communities, are recognised as a religious minority and can run their own schools. And although they might face resistance by local mullahs and blasphemy charges, the authorities are willing and usually able to protect them from harassment, violence, and intimidation. Police, however, could not prevent the burning of a 250-house Christian village, and the perpetrators were never brought before court although the local bishop had filed charges against identified members of the nearby Muslim community. In contrast to similar incidents concerning Ahmadis, officials at least decided to pay a compensation for the accrued damage. Nevertheless, the situation of the Christian is a very complex issue. Their position as social outcasts has not changed. They still face many legal and social restrictions, including discrimination in education, the job market and treatment by government and city officials, which seems to be particularly intense in places where the PML is in power.

### Shiites

Shia Muslims, who constitute about 20 percent of the population are generally protected by the government, e.g. police are deployed to guarantee the peaceful observance of Shia religious holidays. Sectarian violence, which led to more than 400 deaths in 1998, occurs mostly between the two Sunni and Shia extremist groups, the Sipa-e-Sahaba and the Sipa-e-Muhammad, and is expected to decrease after the coup, since the military government does not favour the existence of well-structured militant organisations, especially in view of the geographical proximity of Iran. Although the government has been very careful not to take sides in the conflict and despite the above-mentioned willingness and general ability of the authorities to protect rank-and-file Shiites, very prominent members of both the Sunni and Shia communities targeted by their respective militant opponents might not be safe throughout the whole country.

After the coup, the situation remains volatile. Still people get killed, and given that the number of victims changes from month to month it is difficult to judge if the killing has calmed down or not. Certainly the new regime has a pronounced interest to fight and control radical wings of both Sunni and Shia parties that endanger public order and undermine the monopoly of power of the state and military. The radical organisations of Sunnites and Shiites again are waiting to see how the government will act and just how much leeway they will have for militant activities. Yet, sectarian violence has not disappeared and because

sectarian hatred has built up over the course of the last 10-15 years it is not likely to disappear simply with the change of government.

### *Political activists*

For political activists the picture is much more blurred. Before the coup, the position of UNHCR and other observers was that simple members of the respective opposition party did not face persecution. In their electoral campaigns both parties were quite vocal and false allegations of criminal charges and physical attacks on opposition party members may have occurred in individual cases. Quite frequently, charges were filed against members of the opposition party in order to get rid of an unwanted competitor or to win a dispute over property rights, and party membership did not play a big role. After the coup, these inter-party conflicts have been reduced to a minimum. If PPP or PML members and activists are arrested and brought before court, it is basically prosecution for criminal charges, especially corruption and loan defaulting, rather than political persecution.

In the, past MQM activists may have faced persecution by the authorities, although quite often they were prosecuted for very violent attacks on political opponents or under serious criminal charges. The situation of the Kashmiri Independence Fighters was similar, but they, like MQM activists, usually have had the opportunity to flee to other parts of the country and pass unrecognised.

After the coup the situation of MQM activists is not much different from before, except that the militia slaughtering between the MQM factions has calmed down and cases of sniping have decreased. A number of MQM leaders are still in jail, some of them without charges, and MQM in general enjoys only limited political freedom. MQM Senator Shaikh thinks: *"Since the army took over we have seen some law and order improvement. Also economically the situation is a little better. The currency is more stable but there is still a lot to be done. Not everything has improved. [...] The intensity of the arrests has decreased but the policy is still the same. Still members of the MQM are hunted. There are lists with the names of our people who should be arrested. In the police stations still the people are asked to pay huge bribes. They are told that otherwise they will be involved in false cases. A person who was in jail for three four years, fought his case, paid his lawyer and finally gets out of jail – for him already the police is waiting outside the jail. There is not much change in the policy towards us. The faction, the Haqiqi, which was dismissed by us and now is just a small group, have the blessings of the Pakistani Army and the ISI. They are getting finances, arms and ammunition. Recently two of our active workers have been taken to lonely places and*

*have been killed by the Haqiqi.*

*Another point which I would like to mention is that against many of us there is more than just one case pending in the courts. There are 6 FIRs [First Information Reports, complaints registered in police stations which do not name a suspect] against me. I was in jail for three years. I am teaching law and I have no criminal record and still as a professor of law I was arrested and in jail. Each of us has been involved in false cases. This is the political culture of our country. The only change is that there are no new FIRs. But what about the old 25,000 cases? The problem is that the old cases are hanging over us for 4–5 years. If there are witnesses let them come forward and have them cross-questioned in the court. That would take just a few months if they would do so and then you have a decision. But no witnesses are called and no cases are taken up by the court. This is a policy. We want to face the cases. Prosecution is in the hands of the Government. We have full trust in the court but let the witness come and let the courts decide the cases."*

## **II.2. Refugee status determination**

There are mainly four groups that are commonly harassed and attacked with no or little hope of escaping persecution. The two groups that cannot realistically expect to be able to hide anywhere in the country are Ahmadis - here the authorities are not only unable but also unwilling to protect - and Christians, including converts. Groups with a limited internal flight alternative are women and mixed (inter-religious and inter-caste) couples. Many of them, unless they are unable to do so because their livelihood depends on the rural community they come from, try to flee from rural areas to the cities, but even then they are not safe from their families or religious extremists.

When trying to determine the status of asylum seekers from Pakistan it is very important to bear several facts in mind. First of all, it is very easy to get any document you need in Pakistan if you have the money to bribe someone. Many people leaving the country will try to get some sort of document that supports their story, with lots of stamps to make it look more impressive and official. Secondly, since the practice of 'buying' documents is so common, possession of such a document should not be taken as evidence that the applicant is lying. Thirdly, it is crucial to put the main emphasis on the interview and the credibility of the applicant's story, rather than on the existence of semi-official or forged papers. Finally, the question of which group the applicant belongs to is central. For Ahmadis and Christians (including converts), as well as for mixed couples and women in general an internal flight

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alternative may be ruled out with very high likelihood. Concerning Ahmadis, the Ahmadiyya representation in London runs a very reliable registration system of all Ahmadis in Pakistan which enables easy verification of Ahmadi asylum seekers. Political activists, however, unless they are too prominent, usually do have the option of moving to another part of the country. In these cases, and especially with regard to MQM activists who are often prosecuted for serious criminal offences, individual biographies are of utmost importance for assessing the validity of an asylum seeker's claim.