

## Refugee Review Tribunal

### AUSTRALIA

#### RRT RESEARCH RESPONSE

**Research Response Number:** PAK17708  
**Country:** Pakistan  
**Date:** 14 December 2005

Keywords: Pakistan – Sialkot – PML Nawaz Group – Elections – Musharraf Regime

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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#### Questions

1. Please provide information about the Pakistan Muslim League Nawaz Group
2. Can it be confirmed that, in the previous elections (prior to the military takeover), the PML (Nawaz) obtained the maximum seats in the Sialkot district for both the upper and lower house?
3. What tensions exist between the Pakistan Muslim League Nawaz Group and the Pakistan Peoples Party?
4. Is there any information available indicating that the Pakistan Muslim League Nawaz Group leaders within Sialkot formed the Movement for the Restoration of Democracy?
5. Were some of the party leaders ‘persuaded’ to join the present regime?
6. Do the authorities abuse the Terrorist provisions?

#### RESPONSE

1. Please provide information about the Pakistan Muslim League Nawaz Group.
5. Were some of the party leaders ‘persuaded’ to join the present regime?

According to the International Crisis Group, the label “Muslim League” has been appropriated by a variety of right-of-centre political parties in Pakistan that wish to “stress ideological attachments to the [pre-Independence] All India Muslim League and its leader Mohammed Ali Jinnah”. The Pakistan Muslim League (Nawaz) (PML-N), which emerged under the leadership of Prime Minister Nawaz Sharif in 1993, and its much larger pro-Musharraf, military-created, offshoot, the Pakistan Muslim League (Quaid-e-Azam), are the “two largest parties taking up the Muslim League mantle” in Pakistan today. Others include the Pakistan Muslim League (Functional), the Pakistan Muslim League (Jinnah), the Pakistan Muslim League (Junajo), the Pakistan Muslim League (Zia-ul-Haq). (International Crisis Group 2005, *Authoritarianism and Political Party Reform in Pakistan*, Asia Report No. 102, 28 September – Attachment 1; ‘List of political parties in current assembly’ Undated,

Pakistan National Assembly website <http://www.na.gov.pk/members.htm> – Accessed 9 December 2005 – Attachment 2).

Historically, the PML-N appears to have emerged out of volatile and multifaceted political contests that marked Pakistan's faltering return to democracy after 1990 when the Islamic Democratic Alliance (Islamic Jamhoori Ittehad – IJI), a multi-party coalition led by undivided Pakistan Muslim League (PML), swept to power in elections for the national assembly and all four provincial assemblies (Sindh, Punjab, Balochistan, North West Frontier Province). (International Crisis Group 2005, *Authoritarianism and Political Party Reform in Pakistan*, Asia Report No. 102, 28 September – Attachment 1; US Department of State 1995, *Background Notes: Pakistan*, March, US Department of State website <http://dosfan.lib.uic.edu/ERC/bgnotes/sa/pakistan9503.html> – Accessed 6 December 2005 – Attachment 3).

The first contest occurred within the Alliance, and specifically within the PML, over the question of leadership between Nawaz Sharif, who was eventually elected prime minister and Alliance leader; Mohammad Khan Junejo, the former prime minister and then chairman of the PML; and Ejaz ul-Haq, the son of the late President Zia ul-Haq. According to the US Library of Congress, the three contenders “represented key groups in Pakistan's political culture. Junejo belonged to a major Sindhi landowning family and represented the feudal classes. Ejaz appealed particularly to Zia's fundamentalist supporters...[and] Nawaz Sharif, the ultimate victor, represented the country's growing business classes” (US Department of State 1995, *Background Notes: Pakistan*, March, US Department of State website <http://dosfan.lib.uic.edu/ERC/bgnotes/sa/pakistan9503.html> – Accessed 6 December 2005 – Attachment 3; Blood, P. (ed.) 1994, *Country Studies: Pakistan: 'Ghulam Mustafa Jatoi'*, Federal Research Division, Library of Congress <http://memory.loc.gov/frd/cs/pktoc.html> – Accessed 7 December 2005 – Attachment 4).

The second contest, which effectively “polarized Pakistani politics”, pitted the newly elected prime minister and leader of the IJI, Nawaz Sharif, against Pakistan's president, Ghulam Ishwaq Khan. That contest, which was sparked over Sahrif's appointment of a new Chief of Army staff after the sudden death of General Asif Nawaz Janjua in January 1993, came to a head in April (when the president purported to dismiss the Sharif government for “maladministration, corruption, and nepotism”) and May (when the “Supreme Court reinstated the Sharif regime”), before a compromise was finally brokered by the military in July. Under that compromise, the president and prime minister both resigned from office ahead of fresh elections in October 1993 at which Sharif's party lost power (US Department of State 1995, *Background Notes: Pakistan*, March, US Department of State website <http://dosfan.lib.uic.edu/ERC/bgnotes/sa/pakistan9503.html> – Accessed 6 December 2005 – Attachment 3).

Within the context of the foregoing confrontation, the PML split into the Nawaz and Junejo groups. The US Department of State's report for the period notes that the party, which was already dominated by Sharif, divided “into the PML Nawaz (PML-N), [which was] loyal to the prime minister, and the PML (Junejo), [which was] supportive of the president” after the death of PML Chairman Muhammad Khan Junejo, in March 1993, when Sharif loyalists unilaterally nominated their leader to succeed to the position. Divisions within the party appear to have been symptomatic of broader divisions within the IJI government generally. A key coalition partner, the Jamaat-i-islam (JI), for instance, had already “abandoned the alliance because of its perception of PML hegemony”. (US Department of State 1995,

*Background Notes: Pakistan, March*, US Department of State website  
<http://dosfan.lib.uic.edu/ERC/bgnotes/sa/pakistan9503.html> – Accessed 6 December 2005 – Attachment 3)

At the 1993 elections, which the two PML groups contested separately, the PML-N and PML-J groups won 75 and 6 national assembly seats respectively out of a total of 217 seats. The PPP won a “plurality” of 92 seats and, under the leadership of Benazir Bhutto, formed a coalition government which included the PML-J. (US Department of State 1995, *Background Notes: Pakistan, March*, US Department of State website  
<http://dosfan.lib.uic.edu/ERC/bgnotes/sa/pakistan9503.html> – Accessed 6 December 2005 – Attachment 3; ‘NA- Statistical Report with Turn Out Information’ Undated, Commission of Pakistan—Election Database <http://www.hrcpelectoralwatch.org/NA-Statistical%20Report.htm> – Accessed 2 December 2005 – Attachment 5).

At the 1997 elections, which took place after President Farooq Ahmed Khan Leghari dismissed the PPP-led government in 1996 – amidst allegations of “corruption, financial incompetence and human rights violations” – the PML-N emerged as the dominant player in Pakistani politics after securing an outright majority of 137 seats in the national assembly and moderate to strong showings in all four provincial assemblies, including Punjab where it won an absolute majority (‘NA- Statistical Report with Turn Out Information’ Undated, Commission of Pakistan—Election Database <http://www.hrcpelectoralwatch.org/NA-Statistical%20Report.htm> – Accessed 2 December 2005 – Attachment 5; ‘Sharif’s party wins absolute majority in Pakistan elections’ 1997, *Agence France Presse*, 4 February – Attachment 6; ‘Pakistan’ Undated, The Commonwealth Secretariat website <http://www.thecommonwealth.org/Templates/YearbookInternal.asp?NodeID=138965> – Accessed 8 December 2005 – Attachment 7; Ziauddin, M. 1997, ‘PML emerges over-all winner in elections’, University of Virginia website, sourced from *Dawn Internet Edition*, 4 February <http://www.lib.virginia.edu/area-studies/SouthAsia/SAserials/Dawn/1997/06Feb97.html> – Accessed 8 December 2005- Attachment 8).

Among its victories in Punjab, the PML-N won all electoral contests in the Sialkot and Sialkot-cum-Narowal parliamentary constituencies in elections for both the national assembly (NA-85 to NA-87) and Punjab provincial assembly (PP-102 to PP-111). (For further details, see below) (Haider, S. K. 1999, *Pakistan’s General Elections 1997*, Pakistan Study Centre, University of Punjab, Lahore, – Attachment 9; ‘Past Election – Punjab/NA-85/Sialkot-I, Punjab/NA-86/Sialkot-II, Punjab/NA-87/Sialkot-III, Punjab/NA-88/Sialkot-IV, Punjab/NA-89/Sialkot-Narowal’ Undated, Human Rights Commission of Pakistan—Election Database <http://www.hrcpelectoralwatch.org/map.cfm?value=past> – Accessed 2 December 2005 – Attachment 10; ‘Legislators from Sialkot (PP-102 to PP-109)—Last’ Undated, Provincial Assembly of Punjab website <http://www.pap.gov.pk/legislators/last/dist16.htm> – Accessed 2 December 2005 – Attachment 11; ‘Legislators from Narowal (PP-110 to PP-115)—Last’ Undated, Provincial Assembly of Punjab website <http://www.pap.gov.pk/legislators/last/dist17.htm> – Accessed 7 December 2005 – Attachment 12).

Sharif was toppled two years later by the military, in a coup led by General Pervez Musharraf. Member’s of Sharif’s party subsequently came together under a new party, the Pakistan Muslim League (Quaid-e-Azam) (PML-Q), which the International Crisis Group describes as General Musharraf’s “civilian facade”. According to the International Crisis Group, and others, Musharraf brought the new party to power at all levels of government

(national, provincial and local) though a series of “rigged elections”. (International Crisis Group 2005, *Authoritarianism and Political Party Reform in Pakistan*, Asia Report No. 102, 28 September – Attachment 1)

In its formation, the PML-Q effectively hijacked the PML-N. As indicated by the International Crisis Group, the new party, whose leaders are drawn from the PML-N, “usurped PML-N offices in Islamabad, Karachi and Lahore” after the “army ousted Sharif’s government in 1999”. The International Crisis Group also reports that ahead of the last election in 2002, “[o]pposition candidates and supporters were systematically targeted, with many, particularly from PML-N, coerced or persuaded to defect to PML-Q”. As stated in its report, *Authoritarianism and Political Party Reform in Pakistan*:

The PML-Q was forged through defections mainly from PML-N but also from PPP, with the military government playing a hands-on role in overseeing its rapid expansion during the local elections of 2000-2001 and in the run up to the national elections of October 2002. Opposition politicians and party workers were coerced and cajoled into joining by state agencies, including the ISI and the National Accountability Bureau (NAB), a nominal anticorruption watchdog,<sup>31</sup> and by key officials such as Musharraf’s Principal Secretary, Tariq Aziz, Punjab Governor General Khalid Maqbool, Punjab Home Secretary Ejaz Shah and Inspector General Police Punjab Asif Hayat. Tactics included promises of lucrative positions in government, threats of prosecution on false charges, and physical intimidation. “Some defected to the PML-Q”, said a PML-N leader, “when faced with the choice of jail or a ministership. But most joined out of fear, they had no choice” (International Crisis Group 2005, *Authoritarianism and Political Party Reform in Pakistan*, Asia Report No. 102, 28 September – Attachment 1).

**(Note:** Country information indicates that at least one member of the PML-N from Sialkot, Sikandar Hayat Malhi, who won national assembly seat NA-88 Sialkot-IV in 1997, joined the PML-Q after 1999. Reports of his death in 2004 state that he was the PML-Q’s “central vice president”). (‘Past Election – Punjab/NA-85/Sialkot-I, Punjab/NA-86/Sialkot-II, Punjab/NA-87/Sialkot-III, Punjab/NA-88/Sialkot-IV, Punjab/NA-89/Sialkot-Narowal’ Undated, Human Rights Commission of Pakistan—Election Database <http://www.hrcpelectoralwatch.org/map.cfm?value=past> – Accessed 2 December 2005 – Attachment 10; ‘PM condoles demise of Malhi’ 2004, *The Daily Times* online edition, 7 March [http://www.dailytimes.com.pk/default.asp?page=story\\_7-3-2004\\_pg7\\_60](http://www.dailytimes.com.pk/default.asp?page=story_7-3-2004_pg7_60) – Accessed 9 December 2005 – Attachment 13).

With its political standing in the national assembly reduced at the last elections to 18 seats, the PML-N “join[ed] forces with the PPP and other like-minded parties in the anti-military Alliance for the Restoration of Democracy”, “the largest opposition group in the [current] National Assembly” (International Crisis Group 2005, *Authoritarianism and Political Party Reform in Pakistan*, Asia Report No. 102, 28 September – Attachment 1; ‘NA- Statistical Report with Turn Out Information’ Undated, Commission of Pakistan—Election Database <http://www.hrcpelectoralwatch.org/NA-Statistical%20Report.htm> – Accessed 2 December 2005 – Attachment 5). (For further details, see below.)

Politically, the PML-N claims the mantle of the pre-Independence All India Muslim League. Its policies, as outlined in its 1997 electoral manifesto, include, among other things, “moderate economic policies centred on privatisation and deregulation”; a system of “good governance” based on decentralised authority; reduced government spending; respect for the

“rule of law” and the sovereignty of Parliament. (Haider, S. K. 1999, ‘Manifestos of Political Parties – Pakistan Muslim League (Nawaz)’, in *Pakistan’s General Elections 1997*, Pakistan Study Centre, University of Punjab, Lahore, – Attachment 14; International Crisis Group 2005, *Authoritarianism and Political Party Reform in Pakistan*, Asia Report No. 102, 28 September – Attachment 1).

Before falling out with the military in 1997-99 the PML-N, like the undivided PML and IJI government before it, enjoined the active patronage of the military (International Crisis Group 2005, *Authoritarianism and Political Party Reform in Pakistan*, Asia Report No. 102, 28 September – Attachment 1).

**2. Can it be confirmed that, in the previous elections (prior to the military takeover), the PML (Nawaz) obtained the maximum seats in the Sialkot district for both the upper and lower house?**

In 1997, the following fifteen PML-N legislators were elected to represent the Sialkot and Sialkot-cum-Narowal parliamentary constituencies in the national and Punjab provincial assemblies:

National Assembly	
NA-85 Sialkot I	Khawaja Muhamamd Asif
NA-86 Sialkot II	Amir Hussain
NA-87 Sialkot III	Syed Iftikharual Hassan Shah
NA-88 Sialkot IV	Chaudhry Sikandar Hayat Malhi
NA-89 Sialkot-cum-Narowal	Chaudhry Muhammad Sarwar Khan
Punjab Provincial Assembly	
PP-102 Sialkot I	Ijaz Ahmad Sheikh
PP-103 Sialkot II	Khawaja Muhammad Manshaullah
PP-104 Sialkot III	Idress Ahmad Bajwa
PP-105 Sialkot IV	Khurshid Ahmed Soofi
PP-106 Sialkot V	Chaudhry Muhammad Azeem Ghumman
PP-107 Sialkot VI	Muhammad Ashfaq Wyne
PP-108 Sialkot VII	Shahid Mahmood Butt
PP-109 Sialkot VIII	Munawar Ali Gill
PP-110 Sialkot-cum- Narowal I	Syed Akhtar Hussain Rizvi
PP-111 Sialkot-cum- Narowal II	Chaudhry Ghulam Ahmad Khan

(Haider, S. K. 1999, *Pakistan’s General Elections 1997*, Pakistan Study Centre, University of Punjab, Lahore, – Attachment 9; ‘Past Election – Punjab/NA-85/Sialkot-I, Punjab/NA-86/Sialkot-II, Punjab/NA-87/Sialkot-III, Punjab/NA-88/Sialkot-IV, Punjab/NA-89/Sialkot-Narowal’ Undated, Human Rights Commission of Pakistan—Election Database <http://www.hrcpelectoralwatch.org/map.cfm?value=past> – Accessed 2 December 2005 – Attachment 10; ‘Legislators from Sialkot (PP-102 to PP-109)—Last’ Undated, Provincial Assembly of Punjab website <http://www.pap.gov.pk/legislators/last/dist16.htm> – Accessed 2 December 2005 – Attachment 11; ‘Legislators from Narowal (PP-110 to PP-115)—Last’ Undated, Provincial Assembly of Punjab website <http://www.pap.gov.pk/legislators/last/dist17.htm> – Accessed 7 December 2005 – Attachment 12).

Today, the PML-N has a minor presence in the current national and Punjab provincial assemblies (18 and 20 seats respectively) . Among it's current elected members, only two hail from Sialkot: Imran Ashraf from PP-123 Sialkot-III and Khawaja Muhammad Asif from NA-110 Sialkot I ('NA- Statistical Report with Turn Out Information' Undated, Commission of Pakistan—Election Database <http://www.hrcpelectoralwatch.org/NA-Statistical%20Report.htm> – Accessed 2 December 2005 – Attachment 5; 'Legislators from Sialkot—Present' Undated, Punjab Provincial Assembly website <http://www.pap.gov.pk/legislators/present/dist16.htm> – Accessed 2 December 2005 – Attachment 15; 'Members—Punjab Province (148)' Undated, The National Assembly of Pakistan website <http://www.na.gov.pk/punjab.htm> – Accessed 9 December 2005 – Attachment 16; 'Results of Punjab Provincial Assembly' 2002, Jang Group website [http://www.jang.com.pk/election2002/final\\_results/punjab.htm](http://www.jang.com.pk/election2002/final_results/punjab.htm) – Accessed 9 December 2005 – Attachment 17).

Of the 18 Senators elected by Punjab's provincial assembly to represent the province in the national Senate, as per Article 59 of Pakistan's Constitution, for the period 1997-2000, at least 9 were affiliated with the PML-N. The remainder was divided between the PPP, an independent candidate, and a number of smaller parties including the PML-J (Cawasjee, A. 1997, 'They stand accused', The University of Virginia Library website, sourced from *Dawn Internet Edition*, 22 November <http://www.lib.virginia.edu/area-studies/SouthAsia/SAserials/Dawn/1997/22Nov97.html> – Accessed 7 December 2005 – Attachment 18; 'Senators from Punjab (Senate Tenure 1997-2000)' 2002, Senate of Pakistan website <http://www.senate.gov.pk/Main.asp> – Accessed 2 December 2005 – Attachment 19; 'Senate of Pakistan' 2005, Wikipedia website, 22 November [http://en.wikipedia.org/wiki/Senate\\_of\\_Pakistan](http://en.wikipedia.org/wiki/Senate_of_Pakistan) – Accessed 7 December 2005 – Attachment 20).

Of all Senators sitting nationally in 1997, a minority of 30 (from 87) were drawn from the PML-N. According to the Federation of American Scientists, the party formed a coalition which enabled it to control the senate "with the support of its allies" before two key allies, the Awami National Party (ANP) and the Muttahidda Quami Movement (Altaf Faction), "departed from the coalition" ('Muttahida Qaumi Movement (MQM)' 1999, Federation of American Scientists website, 25 October <http://www.fas.org/irp/world/para/mqm.htm> – Accessed 8 December 2005 – Attachment 21).

The PML-N's strength in the current Senate has been reduced to 4 ('Elections in Pakistan' 2005, Wikipedia website, 15 October [http://en.wikipedia.org/wiki/Elections\\_in\\_Pakistan](http://en.wikipedia.org/wiki/Elections_in_Pakistan) – Accessed 1 December 2005 – Attachment 22).

### **3. What tensions exist between the Pakistan Muslim League Nawaz Group and the Pakistan Peoples Party?**

The relationship between the PML-N and PPP is a complex one. Traditional rivals in Pakistan's two-party political landscape, after General Musharraf seized power on 12 October 1999 both came together with other like-minded political groups to form the Alliance for the Restoration of Democracy (ARD) to oppose the General and his "civilian facade", the PML-Q government, as "the largest opposition group in the [current] national assembly". The Alliance struggles to remove Musharraf from power; constitute free elections under an independent election commission; and restore the 1973 Constitution as it existed before the "Legal Order Framework" (LOF), a set of constitutional changes announced by Musharraf in 2002 to legitimise his assumption of power, the Presidency, and the "extra-constitutional

role” of the military in governance. Key changes introduced by the LOF included “provision[s] allowing the President to dismiss the National Assembly” and appoint military chiefs (International Crisis Group 2005, *Authoritarianism and Political Party Reform in Pakistan*, Asia Report No. 102, 28 September – Attachment 1; Syed, A. 2003, ‘ARD: Which way?’, *Dawn Internet Edition*, 12 October <http://www.dawn.com/2003/10/12/op.htm#4> – Accessed 9 December 2005 – Attachment 23; ‘ARD to continue struggle for Musharraf’s ouster’ 2005, *The International News* online edition, 7 April <http://www.jang.com.pk/thenews/apr2005-daily/07-04-2005/metro/k2.htm> – Accessed 12 December 2005 – Attachment 24; Kronstadt, K. A. 2003, ‘Pakistan’s Domestic Political Developments: Issues for Congress’, Congressional Research Service—The Library of Congress, US Department of State website, 5 January <http://fpc.state.gov/documents/organization/29970.pdf> – Accessed 13 December 2005 – Attachment 25).

Country information indicates that while relations between the PML-N and PPP are fraught with difficulties, the two have continued to reaffirm their current partnership in the national assembly including their shared commitment to the program of the ARD (most recently in December 2005 when both announced their intention to “jointly contest the next general elections” under a single ARD banner) (‘PML-N, PPP will contest elections under ARD banner’, *The Daily Times* online edition, 2 December [http://www.dailytimes.com.pk/default.asp?page=2005%5C12%5C02%5Cstory\\_2-12-2005\\_pg7\\_15](http://www.dailytimes.com.pk/default.asp?page=2005%5C12%5C02%5Cstory_2-12-2005_pg7_15) – Accessed 13 December 2005 – Attachment 26).

Tensions are nevertheless still in evidence. In April 2005, for instance, the PML-N staged a momentary walkout of the ARD amid allegations that the PPP was attempting to reach an independent agreement with President Musharraf. Although the crisis was quickly resolved, it echoed a past of political opportunism: a history in which both have “sought the [military] establishment’s support against each other” (‘ARD meeting convened to discuss PPP-PML-N relations’, *Gulf News*, 25 April – Attachment 27; ‘PPP and PML-N sort out differences’ 2005, *The Business Recorder*, 26 April – Attachment 28; ‘Nawaz Sharif did not get to know about the Kargil exercise at the right time – Chaudhry Nisar Ali Khan, PML-N’ 2003, *The Daily Times* online edition, 23 November [http://www.dailytimes.com.pk/default.asp?page=story\\_23-11-2003\\_pg3\\_5](http://www.dailytimes.com.pk/default.asp?page=story_23-11-2003_pg3_5) – Accessed 6 December 2005 – Attachment 29).

Past RRT research responses, PAK12557 and PAK21169, provide additional information on the relationship between the PPP and PML-N before General Musharraf’s 1999 takeover which may be of assistance. (RRT Country Research 1996, *Research Response PAK21169*, 19 September – Attachment 30; RRT Country Research 1997, *Research Response PAK12557*, 20 November – Attachment 31).

A report by the Immigration and Refugee Board of Canada focused on the current government’s treatment of PML-N members and activists is also included for the Member’s benefit (Immigration and Refugee Board of Canada 2004, PAK42531.E – *Pakistan: The treatment/detention of members, activists and workers of the Pakistan Muslim League PML and, its student wing, the Muslim Student Federation (MSF), by the government and other opposition parties (June 2000-March 2004)*, 5 May – Attachment 32)

**4. Is there any information available indicating that leaders within the Pakistan Muslim League Nawaz Group in Sialkot formed the Movement for the Restoration of Democracy?**

The Alliance for the Restoration of Democracy (ARD) appears to have been the brainchild Nawabzada Nasrullah Khan, a member of the Pakistan Democratic Party, who is said to have played a leading role in its creation. He was the head of the ARD until his death in September 2003 when he was succeeded by Amin Fahim of the PPP and Javed Hashmi of the PML-N who now act as “chairman and president of the alliance” respectively. Country information indicates that Khan was also largely responsible for the creation of the Movement for the Restoration of Democracy (MRD) in 1981 which opposed General Zia al-Haq (Syed, A. 2003, ‘ARD: Which way?’, *Dawn Internet Edition*, 12 October <http://www.dawn.com/2003/10/12/op.htm#4> – Accessed 9 December 2005 – Attachment 23; ‘ARD leaders meet today: Post-Nasrullah situation’ 2003, *Dawn Internet Edition*, 28 September <http://www.dawn.com/2003/09/28/top3.htm> – Accessed 8 December 2005 – Attachment 33)

The 1981 “Movement for the Restoration of Democracy” (MRD) included at least 9 political parties – among them, the PPP, the Jamiat Ulema-i-Islam, the PML, and the Tehrik-i-Istiqlal. Opposed to General Haq’s regime, the MRD fell apart “after Haq’s death in 1988” (‘Opposition leaders held in Pakistan’ 1981, *The Globe and Mail*, 26 February – Attachment 34; Azad, A. 2003, ‘Nawabzada Nasrullah Khan’, *The Guardian* online edition, 8 October <http://www.guardian.co.uk/pakistan/Story/0,2763,1058097,00.html> – Accessed 9 December 2005 – Attachment 35).

Publicly available information is silent on whether, or not, members of the PML from Sialkot were involved in forming the “Movement for the Restoration of Democracy” in 1981; or whether, or not, members of the PML-N from Sialkot were involved for forming the “Alliance for the Restoration of Democracy” in the current period. If required, further information may possibly be sought from DFAT.

Publicly available information does indicate, however, that leaders of the PML-N in Sialkot are involved with the ARD. Reports from Pakistan identify at least three viz., Khawaja Muhammad Asif, the national assembly member for NA-110 Sialkot I, who was briefly gaoled by the authorities in 2004 before being released on bail; Imran Ashraf, the Punjab provincial assembly member for PP-123 Sialkot-III; and PML-N Sialkot district President Idrees Ahmad Bajwa. (‘Javed Hashmi challenges Shaukat Aziz; Speaker accepts nomination papers of Hashmi’ 2004, *The Pak Tribune* online edition, 27 August <http://paktribune.com/news/index.php?id=75188> – Accessed 13 December 2005 – Attachment 36; ‘ARD moves two motions on Wana situation’ 2004, *The International News* online edition, 2 October <http://www.jang-group.com/thenews/oct2004-daily/02-10-2004/main/main15.htm> – Accessed 13 December 2005 – Attachment 37; ‘102 ARD activists granted bail’ 2004, *The Daily Times* online edition, 14 May [http://www.dailytimes.com.pk/default.asp?page=story\\_14-5-2004\\_pg7\\_9](http://www.dailytimes.com.pk/default.asp?page=story_14-5-2004_pg7_9) – Accessed 13 December 2005 – Attachment 38; ‘ARD leader condole killings’ 2005, *Asia Pulse*, 12 October – Attachment 39; ‘ARD, MMA observe Black Day’ 2005, *Pakistan Press International Information Services*, 1 January – Attachment 40).

Reports also indicate that the ARD has staged a number of events in Sialkot, including demonstrations and mass meetings against Musharraf and the government (‘ARD protest continues’ 2004, *Pakistan Press International Information Services*, 18 February – Attachment 41; ‘Arrangements for ARD Dec 12 meeting given final touch’, *Pakistan Press International Information Services*, 16 December – Attachment 42).



## 6. Do the authorities abuse the Terrorist provisions?

Country information indicates that the use of Pakistan's main anti-terrorism instrument, the *Anti Terrorist Act 1997*, "extends beyond [the apprehension of] suspected terrorists". The accompanying reports indicate, among other things, that the Act has routinely been used against a range of political opponents including members of the ARD and PML-N, human rights defenders and journalists. (International Federation for Human Rights 2005, *In Mala Fide: Freedoms of expression, of association and of assembly in Pakistan*, January <http://www.fidh.org/IMG/pdf/pk408a-2.pdf> – Accessed 14 December 2005 – Attachment 43; Kennedy, C. H. 2004, 'The creation and development of Pakistan's anti-terrorism regime, 1997-2002', in Satu P. Limaye, Mohan Malik and Robert G. Wirsing eds., *Religious Radicalism and Security in South Asia*, Asia-Pacific Center for Security Studies, Honolulu <http://www.apcss.org/Publications/Edited%20Volumes/ReligiousRadicalism/Religious%20Radicalism%20and%20Security%20in%20South%20Asia.pdf> – Accessed 13 December 2005 – Attachment 44; Shah, A. 2003, 'MMA in troubled waters', *Dawn Internet Edition*, 7 July <http://www.dawn.com/2003/07/07/op.htm> – Accessed 14 December 2005 – Attachment 45; 'PML-N seeks suo moto SC action on Shahbaz issue' 2004, *The International News* online edition, 13 May <http://www.jang.com.pk/thenews/may2004-daily/13-05-2004/main/main13.htm> – Accessed 13 December 2005 – Attachment 46).

As noted by the International Federation for Human Rights, the Act, which has been amended no less than three times since its passage in 1997:

provides for the establishment of antiterrorism courts to try persons charged with committing terrorist acts and stipulates special procedures for the conduct of their trials. Courts established under the Act are to conduct trials within seven days, and convicted individuals have only seven days to file appeals. A 2002 amendment allows persons suspected of militancy to be detained without charge for up to a year, which constitutes per se an arbitrary detention since they are neither charged promptly after the arrest, nor brought to a court in order to examine the legality of their detention...

Under the ordinance, the detention of suspects and the probing of assets or bank accounts of any suspect, his\ her spouse, children and parents may occur on a mere plea of suspicion, which does not have to be substantiated or supported by reason and grounds tenable in law...

The Anti-Terrorism Act has recently been amended in the sense that the minimum and maximum penalties have been strengthened (the Bill was adopted by the Assembly on October 18, 2004 and by the senate on December 9). It now allows for up to 14 years' imprisonment for using abusive or insulting words, written or recorded material with the intent to stir up sectarian hatred. It will become an Act after the President's approval...

[Furthermore] [u]nder amendments made to the Anti-Terrorism Act in August 2001, law enforcement agents can take legal action against "anti-government activities", including the holding of meetings, gatherings and strikes. Meetings are defined as "a meeting of two or more persons, whether in public or private". The government has used these provisions to suppress political opponents and to stifle dissent (International Federation for Human Rights 2005, *In Mala Fide: Freedoms of expression, of association and of assembly in Pakistan*, January <http://www.fidh.org/IMG/pdf/pk408a-2.pdf> – Accessed 14 December 2005 – Attachment 43).

## List of Sources Consulted

## Internet Sources:

### **Search Engines**

Google search engine <http://www.google.com.au/>

### Databases:

Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices.</i>
RRT Library	<i>FIRST</i>	RRT Library Catalogue

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