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# PAKISTAN

## Human rights crisis in Karachi

### 1. Introduction

Amnesty International continues to urge the Government of Pakistan to adopt measures to stop the large scale human rights violations which are regularly reported from Karachi, the capital of Sindh, the southernmost province of Pakistan. The organization has received reports of hundreds of cases of unlawful detention, torture, deaths in custody, extrajudicial executions and "disappearances", mainly in Karachi, but also to some extent in other cities of Sindh such as Hyderabad, Mirpurkhas and Sukkur. According to official figures, some 1,770 people were killed in 1995 in Karachi alone, Pakistani media speak of over 1,990 killings (around 700 in 1994). The victims include apolitical residents of Karachi, including women and children, law enforcement personnel and members of political parties.

Deaths in custody and extrajudicial killings are reported from other parts of the country as well; there have been reports of several so-called "encounter" killings (extrajudicial executions after which police declare that the victims have been shot dead in armed clashes) in Punjab in the last few months and the media in Pakistan have extensively covered the recent death of a young Christian in police custody in Hyderabad. However, nowhere have deliberate and arbitrary killings reached as massive a scale as in Karachi.

While law enforcement personnel appear to be responsible for some of these human rights violations, there is strong evidence that armed opposition groups have also perpetrated torture, hostage-taking and killings in Karachi. The organization continues to appeal to armed opposition groups to refrain from abusing the fundamental right of people in Karachi to life and the security of the person, to end hostage-taking, torture and deliberate and arbitrary killings. The organization again calls on these groups to observe minimum standards of humanitarian law which forbid such abuses.

Amnesty International believes that the human rights abuses perpetrated by armed opposition groups may never be used as an excuse by government law enforcement personnel to ignore national and international human rights safeguards and to commit

human rights violations themselves, to torture, kill or to "disappear" people described by the government as "terrorists".

The high rate of political killings over the last months is strong evidence of the failure of the government's strategy to protect political activists, journalists and ordinary residents of Karachi from such abuses. Indeed, in some cases those in authority appear to have condoned abuses by some armed political groups.

Amnesty International has carefully monitored the Pakistani press, verified reports as far as possible with lawyers and human rights activists on the ground and spoken to a large number of victims and victims' families during a visit to Pakistan in December 1995. Many concerned residents in Karachi have directly approached Amnesty International to communicate their experiences, observations and fears. On the basis of the material so collected, Amnesty International once again urges the Government of Pakistan to set up impartial and independent inquiries into every single report of unlawful detention, torture, death in custody, extrajudicial execution and "disappearance" and to ensure that everyone alleged to have been responsible for human rights violations is brought to justice. Only if the self-perpetuating cycle of violence, in which human rights abuses continue to be perpetrated without punishment and in which impunity facilitates further violations, is broken, can people in Karachi again live in safety and dignity and enjoy their fundamental rights.

The present paper first describes the political context in which human rights abuses are committed in Karachi; it then documents reported cases of arbitrary arrest, torture, extrajudicial executions, "disappearances" and incommunicado detention of political activists allegedly committed by law enforcement personnel and the human rights abuses allegedly perpetrated by armed opposition groups. It also focuses on the lack of protection given to people reporting human rights violations in Karachi and the impunity enjoyed by perpetrators of human rights abuses. The concluding section sets out Amnesty International's concerns and recommendations to the government and to armed opposition groups. The appendix contains an analysis of the government's responses to a statement issued by Amnesty International in August 1995.

Members of Amnesty International in Pakistan do not participate in research on their own country in accordance with rules applicable to Amnesty International's membership worldwide. They have neither supplied information on human rights abuses in Karachi nor have they assisted in verifying it.

## 2. The political context of human rights abuses in Karachi

The ongoing conflict in Karachi has involved mainly two factions of the Mohajir Qaumi Movement (MQM, literally National Movement of Refugees), the federal and the provincial governments of different complexions, and to a much lesser extent some other ethnic and religious groupings. Mohajirs (literally: refugees) who are Urdu-speaking Muslims who migrated to Pakistan, mainly Karachi and Hyderabad, during and after the partition of British-India in 1947, and their descendants, quickly advanced in the bureaucracy, business and the professions but felt disadvantaged in relation to ethnic Sindhis by a quota system that secured access to universities and civil services. The earliest political organization of Mohajirs, the All Pakistan Mohajir Student Organization (APMSO) founded in 1978 by Altaf Hussain, evolved into the MQM in 1984. Ethnic and religious divisions in Sindh were exacerbated during the years General Zia-ul Haq was in office (1977 to 1988, of these 1977 to 1985 under martial law) as he used them to suppress and divide democratic opposition to his rule. Ethnic strife between Mohajir and Sindhis who had initially jointly opposed the influx of Punjabis and Pathans into Sindh, rapidly increased in Karachi and Hyderabad from the mid-1980s. The MQM, led by Altaf Hussain, meanwhile consolidated its hold on the Mohajir community.

In November 1987, the MQM won local body elections in Karachi, Hyderabad and other urban centres in Sindh. Following the death of General Zia in August 1988, the Pakistan People's Party (PPP) won the general elections in November 1988; short of an absolute majority, the PPP entered a cooperation agreement with the MQM which enabled it to form the government. In Sindh, the PPP held a majority only in rural areas while the MQM enjoyed a majority in the urban areas. The PPP-MQM alliance in Sindh broke up in October 1989, after which the MQM lent its support to the PPP's opponents, the Pakistan Muslim League. In early 1990, political violence in urban Sindh increased rapidly; the MQM organized a series of rallies and strikes while the PPP federal government responded with mass arrests and a sweeping "Operation Clean-up" to seize unauthorized arms. In May 1990, the law enforcement agencies raided the Pucca Qila area of Hyderabad, inhabited mainly by Mohajirs, after cutting off essential supplies for three days. In the ensuing clashes some 100 people, mostly Mohajirs, died, including women and children who had protested against the stoppage of water supplies. Ethnic violence flared up after this incident throughout Sindh; calm only returned gradually after the army was called in and curfew was imposed.

In general elections in October 1990, following the dismissal of the PPP government in August, the MQM again emerged as the third strongest party in the country. It entered an alliance with the Pakistan Muslim League of Nawaz Sharif both at the federal level and in Sindh.

In the early 1990s, a small faction of the MQM, the MQM Haqiqi (literally: the "real" MQM, short MQM(H), led by Afaq Ahmed, left the main body of the MQM, the MQM (A for Altaf). According to many commentators in Pakistan, this faction was supported by successive federal governments and the military to weaken the main MQM.

Responding to chronic unrest in the province, the Sindh Government in mid-1992 called in the army to assist police in restoring law and order. While the operation was in the first few weeks concentrated on the rural areas of Sindh, its focus shifted from 19 June 1992 to Karachi and Hyderabad where the army claimed it sought to eliminate "terrorists" of any political group. The MQM(A) viewed the operation as an attempt to wipe out the party altogether. Raids on MQM(A) strongholds were believed to have been conducted with the help of the MQM(H) and frequently MQM(H) members were reported to have abducted, tortured and killed people in the presence, with the connivance and perhaps with the participation of members of the law enforcement agencies. Torture cells allegedly maintained by the MQM(A) were discovered in which party members were alleged to have tortured and sometimes killed dissidents and members of other parties. At this stage, 12 of 15 MQM(A) members in the National Assembly and 24 of 27 MQM (A) members of the Sindh Provincial Assembly resigned in protest against the army operation.

The MQM(A) boycotted general elections in October 1993 claiming systematic intimidation by the army. It participated in provincial elections in Sindh a few days later and secured 27 seats while the PPP with 56 seats won an outright majority. The MQM(H) did not gain any parliamentary seats either at the federal or the provincial level.

In late November 1994, the army was withdrawn from law enforcement duties in Sindh; however the paramilitary Rangers were reinforced and specially trained police were inducted.

The killings, abductions and "disappearances" reported in the last months from Karachi have occurred in the context of an ongoing struggle between the two factions of the MQM and a government campaign to restore law and order, implemented by police and the paramilitary Rangers. While in 1994, fighting between Shia and Sunni political groups also led to deliberate

and arbitrary killings, these have considerably reduced in recent months. Ordinary criminals also appear to use the prevailing atmosphere of fear and intimidation to pursue their own criminal ends and to commit abductions and killings in the shadow of political violence.

The government holds the MQM(A) responsible for most of the human rights abuses perpetrated in Karachi, while conversely the MQM(A) has declared that the government is attempting to crush the MQM(A) as an organized political force by unlawfully detaining its workers, torturing and extrajudicially killing them, forcing them to change their political allegiance and perpetrating crimes for which the MQM(A) is then held responsible. Despite mutual accusations, the government and the MQM(A) in July 1995 began talks to reach a political solution to end the crisis in Karachi. The MQM(A) has presented a charter of 18 demands, including the unconditional withdrawal of criminal charges against its workers, and the holding of a census and local body elections in Sindh. The government's 21 conditions include demands that the MQM(A) publicly renounce violence, surrender illicit arms and wanted activists.

While these proposals and counter-proposals are being negotiated, the daily violence in the streets of Karachi continues unabated. Many people fear to leave their homes and to send their children to school; armoured personnel carriers patrol the streets in embattled parts of Karachi and paramilitary Rangers man sandbag bunkers at important road junctions. Cultural and recreational activities in Karachi have come to a standstill. Doctors and psychologists have told Amnesty International that the incidence of psychosomatic diseases and suicides as a result of tension and fear are on the rise in Karachi.

The monthly political journal Newsline has begun to publish a "Death File", listing daily killings in Karachi: Randomly chosen entries, the first for 4 August, the second for 6 August read:

"A former student activist was killed on main University Road. Police found mutilated bodies in the boot of a car in Gulbahar with a note attached ... saying 'Revenge for Farooq Dada's murder'. The corpse of a policeman's son, who had been kidnapped earlier, was found in a gunny bag in Nishtar Road. The corpse of a Haqiqi activist was found in New Karachi and a bullet-riddled corpse was found in Azizabad. Two corpses were also found near Usmaabad Memorial Hospital. Another bullet-riddled body was found in Orangi Town. Daily toll: 8; monthly toll since 24 July: 107".

"Two MQM workers were killed in Federal B area. The corpse of an Haqiqi ~~atit~~ was found in the Old Exhibition Area. Three bullet-riddled bodies were found in Orangi Extension. Two bullet-riddled bodies were found in Mominabad. A five-year-old boy was shot dead by a stray bullet in Rasheedabad. The body of a young electrician was found in Karimabad and another corpse was found in Korangi. A 35-year-old man who had earlier been kidnapped, was killed in Khawaja Ajmer Nagri. Daily toll: 12, monthly toll since 24 July: 128".

The present deterioration of the human rights situation is attributed by observers to several factors. The government has expressed its determination to restore law and order in Karachi and in this context has called upon police to use "ruthlessness" and to shoot "terrorists" on sight (see below government statements on the human rights situation). The police appear to have been tempted to use harsher, and sometimes unlawful methods in dealing with armed opposition groups who have targeted law enforcement personnel, killing some 195 in 1995. A government official told Amnesty International in December 1995 that police who are often recruited from the rural areas, "have been given a gun but don't understand human rights or the urban situation. If one of their colleagues is killed then it becomes a matter of honour to kill the attacker". Amnesty International was also told that the slowness of the judicial process (in mid-1995 some 23,000 cases were reportedly pending in the Sindh High Court) and the ease with which criminal suspects can obtain bail to return to the criminal underground or buy witnesses, as well as the lack of witness protection measures, has led police officers to take the law into their own hands.

Armed opposition groups may be resorting to more violent means as many of their leaders are dead, in hiding or in detention. Many commentators, not necessarily sympathetic to the MQM, have pointed out that the human rights violations and the harassment to which Mohajirs and MQM members are subjected, alienate them further and may drive young Mohajirs to extremism. An article in the daily Dawn of 7 July 1995 describes how Esa, a student wearing a black shirt to peacefully protest against the operation in Karachi, was picked up, beaten and abused by Rangers at his university in Karachi; he said, "while being beaten I told them that one day I will take my revenge".

The government's heavy-handed searches of troubled neighbourhoods in which many innocent citizens are humiliated, arrested and made to pay bribes to be released, has antagonized Mohajirs. Amnesty International has been told by many Mohajirs in Karachi that having seen their relatives blind-folded, beaten and often taken away to unknown places of

detention has left them bitter; some women have reported that they are encouraging their sons to avenge arbitrary killings of family members by law enforcement personnel. "Ruthless and indiscriminate use of force and extra-judicial killings have swelled the ranks of Karachi's frustrated and angry youth who will continue to supply recruits to the militants" (Newline, August 1995). Altaf Hussain has warned that the MQM may not be able to control its members: "I warn that if the government is not stopped from pushing the Mohajir nation to the wall, then a time may come when people will lose their patience and take the law in their hands, and a civil war may arise" (Financial Times, 16 October 1995). Some observers have told Amnesty International that the MQM leadership may already have lost control over some of the militant youth groups of the party. But links of communication would seem to exist; some former prisoners have told Amnesty International that during their detention they were told by fellow prisoners belonging to the MQM that they continued to receive instructions directly from London, where Altaf Hussain lives.

The present levels of human rights abuses would not have been possible without a glut of arms in the city. Pakistan's position as a frontline state in the Cold War confrontation in Afghanistan meant that it became a conduit for millions of dollars worth of sophisticated weapons; once the Soviet forces withdrew, many of these weapons found their way into the open markets in Pakistan at a fraction of their original cost, enabling every group to acquire as much armament as it thought necessary. A study published by the Centre for Defence Studies, University of London, observes that "violence across Karachi reached unprecedented levels prior to the intervention of the army in 1992. Modern weapons, such as assault rifles, were carried openly by party activists from all quarters, especially during political demonstrations, and large stockpiles were accumulated by the warring factions in open defiance of the authority of the state. ... Several pundits from Karachi agree that the dramatic increase in violence and polarisation dates from 1985/86, the time when weapons from the Afghan pipeline began to find their way into commercial channels. ... Modern and relatively sophisticated arms, especially the Kalashnikov, began to appear throughout the region in the mid-1980s ... Ammunition is also freely available in rural and urban areas and sold by the kilo."<sup>1</sup>

Armed political groups have used increasingly heavy weapons in Karachi. Since May 1995, rocket launchers have been used which fire rocket-propelled grenades; according to

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<sup>1</sup> The diffusion of small arms and light weapons in Pakistan and Northern India, 1993



some estimates there are around 100,000 automatic assault weapons in the hands of armed groups.

### **3. Human rights violations in Karachi and other urban centres of Sindh**

In its report of June 1995 on the situation in Karachi, the Human Rights Commission of Pakistan (HRCP) said that it had found the residents of Karachi

"traumatized by the terror to an extent beyond anything HRCP had noticed during its earlier Sindh probes. Unlike the previous experience, when witnesses had been willing to go on record publicly, many of those interviewed in Karachi were reluctant to disclose in its entirety what they had gone through or what they knew ~~and~~ the plight of their fellow-citizens. Nearly all of them were extremely bitter about the violent tactics of the different political factions and the lawlessness they alleged the law-enforcing and intelligence agencies were indulging in. Their anger at having been deprived of their basic rights -- to security of life, to the right of peaceful economic activity, to the protection of law, to a fair judicial redress of grievances, and to participation in democratic governance -- was matched only by their feeling of utter despondency."

Amnesty International agrees with this description. When an Amnesty International delegation visited Karachi in December 1995, people told it that they feared for their lives from attacks by militants, and that their trust in the law enforcement agencies to protect them and in the judiciary to provide redress, was severely eroded. They were particularly reluctant to report human rights abuses perpetrated by armed political groups. Many people only dared do so from the perceived security of their party's offices. Amnesty International is aware that such reports may not be entirely objective. It has in fact come across instances in which victims of human rights violations were incorrectly described as members by a particular party in order to create the impression that that party was the target of violations or abuses by another group or the government. However, Amnesty International also contacted a large number of people through non-party channels to obtain independent testimonies.

In the highly politicised climate of Karachi, the truth is difficult to establish with certainty by any human rights organization and Amnesty International therefore reiterates its call to the

Government of Pakistan to set up independent and impartial judicial investigations of every reported human rights violation with a view to bringing perpetrators to justice.

### **3.1. Arbitrary arrests**

The practice of arresting family members of wanted men to put pressure on them to surrender or to punish them, documented in the past by Amnesty International, was reported to persist. For instance, Shazia Farooq, the widow of Farooq Putney who was killed on 2 August 1995 in an alleged "encounter" with police, was arrested on the same day; seven months pregnant, she was allegedly taken to Islamabad and her whereabouts remained unknown for several weeks. She was later declared by official sources to be held in "protective custody". On 12 August 1995, the Crime Investigation Agency (CIA) arrested two MQM workers against whom they claimed charges were pending, along with their wives and a brother-in-law from their home in Pathan Colony in Karachi. The women were released after several days.

The wife and six-week-old baby son of an MQM fugitive were detained in Nazimabad for two days in August to force him to surrender. Similarly the father-in-law of a wanted person, Ali Mohammad Sonara, vice-president of the PPP (SB) of Benazir Bhutto's brother Murtaza Bhutto, was arrested on 25 June 1995 and detained for several weeks; according to the PPP(SB), 65-year-old Mohammad Umer had not been involved in any criminal offence and was detained without charge solely to force his son-in-law to surrender.

Hundreds of residents have reportedly been arbitrarily arrested during cordon-and-search operations in Karachi in the past months. During such raids, reportedly conducted without search warrants and without declaring curfew, homes were ransacked and looted and the young men of the locality rounded up. Most were released within a few hours or days, if there were no charges against them. Legal safeguards relating to detention and interrogation were usually not observed: arrests were not recorded and remand was not obtained from magistrates. An elderly man told Amnesty International that several hundred people in his locality in North Nazimabad were rounded up in August and taken in trucks to the local Rangers headquarters. They had to wait for several hours before they were made to walk before a window in which masked informers scrutinized the detainees. Most were released in the evening.

Family members were usually not informed of the whereabouts of people taken away during raids; when habeas corpus petitions were filed in the High Court, the detaining authorities sometimes resorted to the practice of transferring prisoners from police station to police station under a series of so-called "blind FIRs". These are First Information Reports filed with police which do not name criminal suspects and which can be abused to remand anyone to police custody for up to 14 days. Once a suspect is found innocent with respect to a specific charge, he can be transferred to another police station under another charge, resulting in prolonged untried detention. An unknown number of people continue to be held in Karachi at any one time. The non-governmental organization War Against Rape (WAR) in August 1995 expressed "outrage" at the growing number of complaints of women unlawfully arrested and harassed during cordon-and-search operations in Karachi, particularly in the Liaquatabad and Korangi areas of the city. It said that the number of women victims of harassment was on the increase and that women were being held "without judicial authority" and "without family members being present" as required by the law.

The government indirectly acknowledged the practice of arbitrarily arresting citizens when it announced in June 1995 in an effort to regain the confidence of the people that "henceforth the law enforcement agencies would not make indiscriminate arrests and haul up only those who are criminals and indulging in arson and terrorist activities" (Dawn, 6 June 1995). The Director-General of the Rangers in Sindh, General M. Mushtaq, told the HRCP in mid-1995 that there was no other way to arrest wanted offenders than to round up large numbers and screen them.

Amnesty International regards people arrested instead of their wanted family members as prisoners of conscience, that is prisoners arrested solely for their political beliefs, association or kinship ties who have not used or advocated violence. Minister of State for Law, Raza Rabbani's statement to the press in Islamabad on 19 August 1995 that there are no prisoners of conscience in Pakistan is not borne out by the reports cited above which are confirmed by a large number of independent sources.

### **3.2. Torture and deaths in custody**

Torture, ill-treatment and intimidation of prisoners and detainees in the custody of the police continued to be frequently reported in Karachi. During cordon-and-search operations, people were driven out of their homes in hundreds, blindfolded, loaded onto trucks and interrogated

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in official or unofficial detention places. The detained persons are known to have included boys as young as 12 and old men. Women were less frequently detained, but during search operations they are reported to have been verbally abused and threatened, robbed of their jewellery and other personal or household possessions and forced to pay ransoms for their release. On 31 August MQM woman worker Seema Zarin, aged 28, was reportedly arrested along with her father by police from their home in Nazimabad and repeatedly beaten and kicked, threatened and verbally abused for 18 hours in the custody of the Crime Investigation Agency (CIA) centre in Civil Lines, Karachi. She said upon her release that she had been blindfolded and beaten and kicked by two women constables, and then beaten on her back with a belt by a police officer while she was interrogated about MQM activities and activists. The Director-General of the Rangers in Sindh, General M. Mushtaq, told an investigating team of the HRCP that "suspects had to be blindfolded to protect the informers and witnesses" (HRCP report, June 1995).

On 30 May 1995, several newspapers in Pakistan carried reports and photographs of four MQM activists who were produced in court blindfolded and with what they claimed to be cigarette burn marks on their arms and legs and several other injuries. The four men had reportedly been arrested from their homes on 6 May by police from New Karachi police station; on the following day, an MQM member of parliament had approached the Director General of Police to have their arrest recorded but police denied holding them. The four young men were brought before a magistrate on 28 May. On 29 May they were brought blindfolded before a Special Court for the Suppression of Terrorist Activities. They told newspaper correspondents that they had been kept naked in various interrogation centres, blindfolded for days together, given little food and subjected to torture to reveal the whereabouts of MQM leaders. Mohammad Shahid, a textile industry worker, was reported as saying: "They forced us to stand during the daytime. In the nights they hung me upside down and gave a severe beating. ... I was kept blind-folded and was also shifted to an unknown interrogation centre where I was kept for six days." Jamil Ahmed, who had injuries on legs and hips, reportedly said: "We don't know who interrogated us as we were blindfolded. They beat us mercilessly to obtain information about the underground party leaders and workers" (Dawn, 30 May 1995). Police claimed that the four men had been arrested only three days earlier after an "encounter" and that they were bandits. Government officials told Amnesty International that the men had inflicted these wounds on themselves to implicate the government in human rights violations. The presiding judge on 28 May reportedly ordered the four men to be sent to judicial custody and to be given medical treatment. Instead, police reportedly returned them to the police station.

Amnesty International has been told by several MQM workers in Karachi and Hyderabad that they were detained and tortured until their families paid money for their release. Torture of criminal suspects or political prisoners with intent to extract money from concerned family members is frequently reported in Pakistan. The frequency with which people believed to be MQM members, or to be closely associated with MQM members, are subjected to torture and extortion suggests that police assume that they can do so with impunity.

An MQM activist in Hyderabad [name, date and location withheld] reported to Amnesty International that he was arrested in mid-November 1995 and taken to a police station where he was made to undress and to squat. His ankles and wrists were then tied together with a rope and a wooden stick passed between them. The stick was then supported by two chairs so that he hung upside down, suspended by wrists and ankles. His bare buttocks were then hit with leather belts. Police officers cursorily asked about activities of his party. They then threatened to make him impotent by hitting his genitals and to implicate him in a criminal case if his family did not pay ransom for his release. When his family complied, he was released. No criminal charge had been brought against him. The name of the Station House Officer (SHO) who supervised this man's torture and took the ransom money was mentioned to Amnesty International by several other victims of torture, lawyers and journalists in Hyderabad, yet no action appears to have been taken against him.

Amnesty International has received several dozen reports over the last few months of people who have died in the custody of the police, allegedly as a result of torture.

The circumstances of the death of Aslam Sabzwari, a former MQM councillor, in police custody on 7 July 1995 remain unclear. According to the MQM, Sabzwari was arrested at around 1.30 pm of 6 July by plain clothed members of the law enforcement agencies outside the National Registration Office in Nazimabad in Karachi. The MQM immediately sent appeals for help to the President and other authorities while expressing fear for the detained man's life. The District Commissioner of District Central at 3.30pm reportedly confirmed the arrest and assured MQM leaders that nothing untoward would happen to him. Sabzwari was apparently interrogated in the Special Investigation Cell in the Federal B area of Karachi. At 9am of 7 July, his body was taken for a post-mortem examination in Jinnah Post Graduate Medical Hospital. Doctors there reportedly stated that the body bore torture marks. Around 5pm of the same day, the body was taken by an ambulance of the Edhi Foundation to its centre in Sohrab Goth where it was routinely photographed. Edhi volunteers stated that the

body bore a wound on the left side and that the left eye was smashed, possibly by a gunshot which pierced the back of the skull. The injury to the eye is visible on the photograph taken in the Edhi Centre and published in Dawn of 11 July. A human rights activist who saw the body in the Edhi Centre confirmed that the left eye of the deceased was torn through and that his body bore numerous injuries.

According to the police account, Aslam Sabzwari was arrested in the night of 6 July by police of District Central police station in Liaquatabad. Police said that at that time he had already been tortured by unidentified men and accordingly bore torture marks. They stated that they took him to Gulberg police station where he registered a complaint but in the process suffered a heart attack and died early in the morning of 7 July on the way to hospital. In subsequent communications, including to the Secretary General of the UN on 10 September 1995, the government stated that "Altaf group terrorists like ... Aslam Sabzwari ... got killed" in "encounters with police" when they "engaged law enforcement personnel in shootouts", despite earlier claims that he had died of a heart attack.

On 10 July, police released a photo of the body which they claimed had been taken before the post mortem examination; it does not show any marks of torture, and both eyes are intact. A "clarification" issued by the police stated that "both eyes of deceased ... Aslam Sabzwari were intact when his dead body was taken to hospital for post mortem. ... after the post mortem, one eye ... appears to have been removed with mala fide intentions and to create mischief under circumstances which are being investigated by the local police" (Dawn, 11 July 1995). Police sources said that Sabzwari had been involved in the murder of 11 people, the injury of 18 others and the kidnapping of six people. There were over 30 charges pending against him and he reportedly carried a reward of Rupees 1.5m on his head.

It remains unclear why Sabzwari, if he was already injured at the time of arrest, was not taken for medical treatment right away; moreover, it is puzzling why the police photograph does not show any marks of injuries if, as police claimed, he was already injured when arrested. Furthermore, the Edhi volunteers' statement and the photo taken by them contradict the official version of events. Many observers in Karachi believe that Sabzwari may have been held and tortured by the MQM Haqiqi and that police captured him to obtain the reward on his head. The inconsistencies in the official version of events and the fact that Sabzwari's arrest early in the afternoon of 6 July was officially confirmed strongly suggest that Aslam Sabzwari died after being tortured in police custody. It is conceivable, however, that some of the injuries seen on the dead body were inflicted after his death. Medical practitioners in Karachi have

told Amnesty International that some doctors working in hospitals are themselves members of political parties and may sometimes inflict injuries on dead bodies to serve their parties' purposes.

The Sindh government ordered an inquiry into the circumstances of Sabzwari's death, to be conducted by a Sub-divisional Magistrate. It is not known if a report has been issued, or if any police officer has been held responsible for the death.

The available evidence strongly suggests that the death of Tariq Hussain Rizvi in judicial custody on 1 September 1995 resulted from beating inflicted earlier in police custody. Rizvi, a young MQM worker, was reportedly arrested by police in the early afternoon of 16 August 1995 and taken to CIA (Crime Investigation Agency) Jamshed Quarters police station in Karachi. Rizvi's arrest, witnessed by Ayazuddin, an executive engineer of the Public Works Department and his wife, in whose house he was arrested, was reported in the national newspapers. According to an affidavit of Rizvi's mother, Shahnaz Begum, police did not show a warrant of arrest. On hearing of her son's arrest, she visited the CIA Centre almost daily to contact her son but was never permitted to see him. Rizvi also did not have access to a lawyer or medical officer. Fearing for her son's life, Shahnaz Begum on 22 August sent telegrams to the highest authorities in Pakistan urging them to ensure her son's safety. On 25 August she was given her son's bloodstained clothes to wash. Shahnaz Begum filed a habeas corpus petition which came up for hearing on 31 August in the Karachi High Court. The state authorities reportedly sought more time to reply to questions relating to his whereabouts. Meanwhile, magistrates repeatedly issued orders remanding Rizvi to police custody and on 30 and 31 August to jail custody.

On 30 August Tariq Hassan Rizvi was apparently taken to Karachi Central Jail. Prison authorities reportedly told Rizvi's mother that they had refused to take Rizvi into custody on account of his many injuries. According to Shahnaz Begum, the matter was referred to the Home Department of the Sindh Government which directed the jail authorities to take Rizvi into their custody on 31 August. On the same day the TV news bulletin again reported his arrest by police on that day. He apparently died in jail on 1 September 1995. Early in the morning of 2 September 1995, Shahnaz Begum was informed that her son had died and that his dead body was to be collected from the Edhi organization which receives, cleans and, if unidentified, buries dead bodies.

A forensic expert who examined the autopsy report issued by the Jinnah Post Graduate Medical Centre and the photos of the dead body said: "As there was no natural disease of any significance found on this victim, the possibility remains that he may have choked on his own vomit following a beating, especially if unconscious or stuporous from a head injury. Although there is no fractured skull or brain damage, the presence of quite extensive bruising under the scalp indicates that he had several severe blows on the head which could easily have caused unconsciousness. ... Thus it follows that death was due to the injuries and although the mechanism of death is obscure, it is quite possible that he choked on regurgitated stomach contents, either whilst unconscious or semi-conscious, or merely as a result of severe assault, which might include a blow on the stomach." The autopsy report lists 26 injuries and states that they were inflicted between 12-24 hours to 10 days before Rizvi's death. Since Rizvi was arrested 17 days before his death, it appears to conclusively follow that he died of the consequences of beatings inflicted in police custody.

A few weeks later, on 26 September 1995, Feroze Uddin, another MQM worker from North Karachi who had reportedly been arrested on 19 September and remanded in police custody for a week on charges of assault on public servants, was brought by police and Rangers before a judge of a Special Court for the Suppression of Terrorist Activities. The presiding judge, Mohammad Akber, reportedly commented on the numerous injuries visible on the body of Feroze Uddin. These included swellings in his face and chest where hair had been pulled out and marks of beating. Feroze Uddin reportedly told his lawyer that the injuries had been inflicted by the Rangers. The judge reportedly ordered Feroze Uddin to be transferred to judicial rather than police custody; he also directed that Feroze Uddin should be given adequate medical care. It appears that these orders were ignored as his family could not find him in the jail to which he was to have been transferred. Feroze Uddin died on 28 or 29 September, together with two other MQM workers arrested earlier, Parvez Akhter Qureshi and Mohammad Ali, of gun shot injuries inflicted in an alleged "encounter" with police. According to official accounts, Feroze Uddin and another MQM worker were taken to New Karachi to identify other suspects when armed militants opened fire and killed both the prisoners as well as two pedestrians. A judicial inquiry into these deaths by a sub-divisional magistrate was established but does not appear to have concluded its investigation or to have published its findings.

Some prisoners reportedly died in police custody, allegedly after torture, even after their families had sought their release by paying the required bribe. Sayeed Hassan was reportedly arrested without charge on 12 December 1995 in New Karachi and taken to Buffer Zone



police station. When his brother-in-law saw Sayeed Hassan being beaten by police in the police station, he agreed to provide 70,000 Rupees as demanded by the SHO. The sum was handed over to police on 15 December but police said they would not hand Sayeed Hassan over till swellings on his body would subside. On 21 December, his younger brother Jamil, who used to take meals to the police station for Sayeed Hassan, was told that his brother had died on 16 December. Family members reported that his body bore numerous injuries and bruises and that his face was swollen where his beard had been plucked out. The family did not lodge a complaint for fear of reprisal.

In some instances deaths in custody were declared by police to have been due to prisoners committing suicide, to natural causes or accidents. On 25 June, Ahmed Umer, an injured 22-year-old MQM worker who had been arrested by police in Malir, a few hours after his arrest fell to his death from the third floor of a building under construction in that area. Police claim that the prisoner had been taken there by police to indicate where some absconding suspects were hiding. On the construction site he allegedly tried to escape and jumped to his death. The question why an injured person was taken to the construction site rather than a hospital remains unanswered. Family members claimed that Umer was killed in custody and dropped from the building.

Some political prisoners appear to have died as a result of lack of medical attention. A 14-year old MQM worker, Javed, died in the night of 31 August 1995. A resident of Mirpurkhas, he was apparently arrested some months earlier in connection with criminal cases registered against him. Remanded to the central prison in Hyderabad, he suffered from acute dysentery for about six weeks without any medical attention. When his condition became critical about a week before his death, he was reportedly transferred to solitary confinement. When he suffered from about two dozen bowel motions a day, the prison chief medical officer reportedly recommended that Javed be sent to hospital but the prison administration did not follow the recommendation. In the night of 31 August he was finally transferred to hospital but died on the way. The Deputy Superintendent of the prison reportedly said that Javed had died "after a prolonged illness".

### **3.3. Lack of protection for people reporting human rights abuses**

Members of the press who courageously report ongoing human rights violations and abuses in Pakistan have themselves been victims. Journalists who have published reports on corrupt

practices, on strife within parties and on killings in Karachi have been targeted by armed political groups (see below). But not only has the government failed to provide adequate protection for them, it has also in some cases constrained their professional activities, brought criminal charges against journalists and subjected them to torture. On 29 June 1995, six evening newspapers were banned in Karachi under the Maintenance of Public Order Ordinance of 1960 because they had allegedly published sensationalist news about violence in Karachi. The ban was, however, lifted on 4 July following protests by journalist organizations. A similar ban was again imposed in mid-December 1995, and again lifted following journalists' protests. In August 1995, the office and home of Razzia Bhatti, chief editor of the political monthly Newsline in Karachi were raided, and charges brought, then dropped, against the paper's correspondent Mohammad Hanif for an article on the governor of Sindh, Kamaluddin Azfar.

Farhan Effendi, a journalist working for the Karachi-based Urdu daily Parcham which is considered to be close to the MQM, was reportedly abducted by plain clothes men, apparently belonging to the paramilitary Rangers, on 14 September 1995 in Hyderabad; late on 15 September he was handed over to the Cantonment police station in Hyderabad. On 16 September, police obtained his remand to judicial custody for nine days from a judicial magistrate. Before being sent to Hyderabad Central Prison, Effendi told journalists in the court that "during the last two days I was ferociously beaten up by them and I was kept blindfolded with my hands tied on my back". Journalists told Amnesty International that they saw bruises on his face, chest and back. A First Information Report registered on 15 September said that he was charged with illegal possession of arms and with involvement in terrorist activities. The case is pending. Effendi is currently in the Central Jail, Hyderabad. His bail application was rejected both by the trial court and the High Court.

In November 1995, the office of The News in Hyderabad was raided by police some of whom were in plain clothes but carrying arms. When a journalist asked police if they had a search warrant, police reportedly answered, "Is it necessary to have a warrant?" Police apparently were in search of MQM members; they also raided the MQM Legal Aid Committee in the same building where they arrested three clients of advocate Hamsa Khan who resisted their search without warrant of his office and died three days later of heart attack.

On 23 August 1995, Ajmal Dehlvi, an editor of the daily Amn and at present the leader of the MQM team which is negotiating with the Government of Pakistan, had bombs thrown into his office by gunmen who had come to his office in a vehicle reportedly identified as

government-owned; they then fired automatic guns at the office. Later the same assailants reportedly threw bombs at the office of the daily Parcham. Other members of the MQM negotiating team, including Kazi Khalid and Liaqat Hussain, were reportedly similarly attacked on 22 August.

Human rights defenders have also failed to obtain adequate protection. Human rights activist Ansar Burney reported that he and his co-workers had received threats from armed groups but have received no police protection. An ambulance of the Ansar Burney Welfare Trust was reportedly fired at on 24 August by plain clothes persons from a police van; a second attack on the ambulance reportedly occurred in the same spot on 3 September.

Again, the government appears to have failed to provide adequate protection to members of the public who have spoken out against human rights abuses in Karachi and who have been targeted by armed opposition groups. Industrialist Farooq Sumar, after several extortion attempts, a robbery and threats allegedly by the MQM(Haqiqi), in early May publicly accused the government of collusion with this group. He reported that his family and staff were receiving death threats and that he had appealed to the authorities in vain for protection. Sumar said that the Federal Investigation Agency (FIA), after questioning him, had issued orders to arrest the MQM(Haqiqi) leader Afaq Ahmed Khan. Sumar alleged that "this order was rescinded upon the personal intervention of the Chief Minister of Sindh". The Human Rights Commission of Pakistan (HRCP) carried out an investigation into Sumar's complaint and confirmed that he and members of his family "face a serious threat to their lives and security". Nevertheless, no protective steps have been taken by the government; several members of Sumar's family and staff have continued to receive threats or have been chased or attacked and some have had to go into hiding.

### **3.4. Extrajudicial executions**

Extrajudicial executions by law enforcement personnel, often portrayed by the authorities as "encounters" with police, continued to be reported from Karachi with distressing frequency.

On 13 July, five young men described as MQM activists were possibly extrajudicially executed in Korangi, Karachi. They had allegedly forcibly occupied the house of a PPP leader some three weeks earlier, extracted money from him and driven him and his family out of their home. During a raid of the house by the police, three of the young men were shot dead while

according to neighbours and relatives, at least two of the men, Mohammad Ghazanfar, aged 18, and Mohammad Imran, aged 15, were caught alive and shot dead in cold blood. Police asserted that the five men were killed in an "encounter".

On 2 August, Farooq Putney, alias Farooq Dada, and three other MQM workers, Javed Michael, Ghaffar Mada and Hanif Turk, were shot dead by police in an alleged armed "encounter" near the airport when, according to police, they failed to stop and opened fire on the police. Family members, however, claimed that the men had earlier been arrested from their homes. Moreover, another MQM worker, Mohammad Altaf, arrested later on the same day was reportedly identified by Farooq Dada and his three companions when they were brought to Altaf's house by police to help identify him. Witnesses were reported to have seen the four MQM workers at the time of Altaf's arrest; they were at that time reportedly held in shackles.

On 10 October, four MQM workers died in what police described as an "encounter". Three of the men, Fahim Farooqi alias Fahim Commando, Zeeshan Haider Abedi and Yousuf Rizwan, had been arrested on 6 August in Nazimabad and were held in judicial custody at Karachi Central Jail. Mufeez Farooqi, Fahim Farooqi's brother, had been arrested earlier in the month in Rawalpindi and appears to have been returned to Karachi on the day before the alleged "encounter". The four men were taken to the Airport police station around 3pm on 9 October; in the early hours of 10 October they were taken to a house in Nazimabad allegedly to identify a "safe house" in which some activists were supposedly hiding. Police claim that all four prisoners were killed in an ambush when unidentified gunmen stationed on neighbouring rooftops fired at them. Government officials told Amnesty International that police fled the ambushed vehicle while the prisoners who were hand-cuffed in the van, could not escape the shooting. Consequently, none of the police officers were injured. Police stated that they returned the fire of the attackers and killed one of them; however, his identity has not been revealed. Doctors at the Abbasi Shaheed Hospital reportedly stated that the four men whose bodies were brought in still hand-cuffed, had died of gun shots fired at them from a very short distance. The HRCP which undertook an investigation of the incident found that the four prisoners had been hand-cuffed, fettered and chained together when they were shot dead in a road blocked off by heavily armed police contingents, none of whom were injured. The report ends: "The HRCP is constrained to conclude that the official version of an ambush or a shootout could not be given any credence and that the killings of October 10 were part of what appears to be the law enforcement agencies' on-going practice of eliminating those they consider hardened criminals or terrorists." A judicial inquiry subsequently set up does not

appear to have concluded its investigation. Government officials told Amnesty International in December, that the HRCP team had not contacted Home Department officials to obtain their explanation of the killings. A government hand-out said that Fahim Farooqi "was killed under MQM(A) high command's instructions by their terrorists so that he could not disclose secrets and pinpoint hide-outs of the MQM(A)'s terrorists ...".

Wajed Ali Safdar, an MQM worker, died in the night of 4 December 1995, according to the police in an armed "encounter". His father told Amnesty International that police from Orangi Extension police station just after midnight came to arrest Wajed from his home in Adam Town, North Karachi. "One of them hit him on the head with a pistol and another one hit his buttocks with a rifle. They did not say anything. ... First they took his younger brother along as well. He is retarded. His mother ran after them. She was also hit with a rifle but then they only took away Wajed. Next morning we heard that he was dead. His body looked terrible. His left thigh was broken and the flesh was torn out ...". MQM sources said that Wajed Ali Safdar had been an eye-witness of the deaths of MQM workers Arif Zaidi and Saeed in police custody in September 1995 and had been prepared to give evidence.

Police and Rangers have sometimes described victims of extrajudicial killings as "terrorists" to justify their acts, despite strong evidence that the person concerned had no link with armed groups. On 30 August, Rizwana Mukhtar reported in the Hyderabad Press Club that her 60-year-old father, Sheikh Mukhtar, was shot dead by Rangers on 24 August, and that he was later described on TV as a "terrorist". She said that her father, a businessman, had no political affiliation. On 24 August 1995, several areas of Hyderabad were cordoned off and searched by Rangers. When her father refused to allow a group of Rangers to set up a check-post on the roof of his house, the Rangers opened fire at their house and injured her father. An ambulance called for by the family was fired at as well, injuring its driver who died a month later of these injuries. Despite appeals to the Rangers, the ambulance was not permitted to approach the house. While the firing at their home continued, the family carried Mukhtar Sheikh, by now bleeding profusely, to the ambulance down the road but he died on the way to the hospital. During the same operation Iqbal Memon, a 55-year-old cloth merchant, also without political affiliation, died in similar circumstances. Pakistani television on the same evening's news broadcast reported that "as a result of Ranger firing, two terrorists were killed".

### **3.5. "Disappearances" and incommunicado detention**

An unknown number of people have "disappeared" in the custody of the law enforcement agencies or have been held for prolonged periods in incommunicado detention; these appear to include mostly workers and supposed sympathizers of the MQM in Karachi, but Amnesty International has also received reports that the whereabouts of some arrested activists of the PPP faction of Murtaza Bhutto were unknown. A human rights activist who had investigated dozens of cases of arbitrary and incommunicado detention in Sindh told Amnesty International, "undeclared detention is normal in Sindh ... how many cases can you take up?"

Amnesty International believes that prisoners in incommunicado detention and prisoners who have "disappeared" in custody are particularly at risk of torture and ill-treatment. When access to lawyers, family members and medical staff is denied, those in authority can subject prisoners to torture, and other cruel, inhuman and degrading treatment or punishment without fear of being detected.

Rais Fatima, the 26-year-old sister of Khalil Siddiqui, a close associate of MQM leader Altaf Hussain, and a member of MQM women's wing, and Qamar Mansoor Siddiqui, a member of the Sindh Provincial Assembly, on 4 June boarded a train in Karachi for Lahore, never to arrive there. Habeas corpus petitions were filed on behalf of both the "disappeared" persons in the Karachi High Court and the Lahore High Court on 13 June. On 25 June, the Speaker of the Sindh Provincial Assembly, Ghous Baksh Mehar, told the House that the Federal Investigation Agency (FIA) had informed him that Qamar Mansoor had been arrested on 29 May on charges of violating the Explosive Substances Act. The Sindh authorities on 10 July informed the Karachi High Court that the two missing persons were not in detention anywhere in Sindh and that there were no charges pending against them in the province in connection with which they could be detained.

The information provided by the Assembly Speaker proved to be incorrect; on 7 July the Lahore High Court hearing the habeas corpus petitions was told by the Deputy Attorney General (DAG) that Qamar had been arrested by the FIA in Rawalpindi on 20 June on a charge of sedition, incitement to violence and illegal possession of fire arms under sections 120A, 124A and 511 of the Pakistan Penal Code and section 3 of the Explosives Act. He said that Qamar had been produced before a magistrate who had remanded him first to the custody of the FIA and then transferred him to judicial custody in Adiala Jail, Rawalpindi. The DAG submitted that nothing was known about the whereabouts of Rais Fatima.

Qamar's lawyer stated that the information supplied by the DAG did not explain the "disappearance" of Qamar from 5 to 20 June and said there were strong grounds to believe that he had actually been arrested on 4/5 June during or upon arrival in Lahore. Upon his application, the Lahore High Court on 10 July granted the lawyer permission to visit the detainee in Adiala Jail, partly to consult his client but also to inquire into the place and date of arrest and the whereabouts of Rais Fatima. The presiding judge, however, refused permission to have Qamar produced in court so he could publicly be questioned about the whereabouts of Rais Fatima. Qamar's lawyer informed Amnesty International that, despite the High Court's permission, he has not so far been able to visit Qamar in Adiala Jail. Its Superintendent refused to let the lawyer or any of Qamar's relatives see him. In August, the Advocate General's Office in Lahore told the lawyer that the permission to visit Qamar should be sought from the Chief Secretary of the Punjab government. The Chief Secretary in turn informed the lawyer that the Deputy Commissioner (DC) in Islamabad should be approached; but the DC appears not to have issued relevant orders. Qamar Mansoor's lawyer reported that he had been harassed, threatened and verbally abused, even in the premises of the Supreme Court, by people believed to belong to an intelligence agency. He informed Amnesty International in December 1995 that Rais Fatima was then known to be held in Adiala Jail in Rawalpindi and that her father had just visited her.

In a related case, the whereabouts of MQM activist Arshad Naeem remained unknown for over a month. Arshad Naeem had been arrested by police from his relatives' home in Lahore on 7 June. When on 12 July the habeas corpus petition filed by his father came up for hearing in the Lahore High Court, the DAG said that the young man was not in the custody of the FIA or any other federal agency and the Advocate General denied that he was being detained by any provincial authority. Two days later the DAG admitted that Arshad Naeem had been arrested in Lahore in the same sedition case as Qamar and that he was being held in Adiala Jail as well. To Amnesty International's knowledge, Arshad Naeem has not been allowed access to his lawyer either. Arshad Naeem's father filed a petition in the Supreme Court seeking prohibitive direction of that court against publicly displaying detainees in the nation's media and broadcasting their "confessional statements". The decision on this petition is not known.

Some arrested MQM workers, including several detained parliamentarians, have been transferred to other prison locations, often without their relatives being informed where they were being taken. Sometimes their relatives then saw them again on national television. MQM senator Zahid Akhtar who had been secretly transferred from Peshawar Jail to Rawalpindi's Adiala Jail was later shown on TV "confessing" various acts of "terrorism"; other MQM

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workers seen incriminating themselves on television were Muhammad Taqi and Hashamuz Zafar. Amnesty International fears that during periods of unacknowledged detention and before such public "confessions" and self-incrimination, detainees may be subjected to torture and ill-treatment.

Several people told Amnesty International in Karachi and Hyderabad in December 1995 that they did not know where their relatives had been taken after arrest. For instance, Zafar Beg Mughal, MQM Zonal Committee member, was arrested in Hyderabad in August 1995. According to the MQM Legal Aid Committee, he had by December not been produced in any court of law and habeas corpus petitions filed and heard in the Sindh High Court had not resulted in any information about his whereabouts. Informally, his family had, however, been able to ascertain that he was being transferred from police station to police station.

A Sindhi nationalist and human rights activist, Dr Munawar Halepota, was held for five weeks in incommunicado detention. Neither he nor his family were during this time formally informed of the charges against him. Arrested from his native village Saleh Halepota by police and Rangers from Tando Allayar, Dr Halepota was on 1 December transferred to the Crime Investigation Agency in Hyderabad, on 4 December remanded to the custody of the Federal Investigation Agency (FIA) and taken to an undeclared detention centre of the FIA, a so-called "safe house" in an Islamabad suburb. On 4 January he was taken to Karachi, told that charges were dropped against him and put on a plane to London, his permanent place of residence. Throughout his detention, his lawyer was unable to contact him and his family was unaware of his whereabouts.

Some families have lost all trace of arrested relatives. An old man, Saraf Sultan Ran, reported that his 17-year-old son, Babar Sultan, was arrested on 28 April 1995 in Latifabad, Hyderabad, while escorting his sister's young children. As a local post office had been set on fire, many people were arrested, including Babar who does not have links to any party. After searching for Babar for five days, his father succeeded in finding out where he was held; the Station House Officer of Kebrani police station told him in front of witnesses that Babar was in his custody. For about a month he kept confirming this to Saraf Sultan Ran but when the old man could not raise money for a bribe demanded by the SHO, he denied ever having arrested Babar Sultan. Saraf Sultan Ran said, "I fear that my son has been killed. I spend all my time looking for my son now and trying to find people to help me ... I have no time to work".



#### **4. Human rights abuses by armed opposition groups**

Most of the political groupings and parties in Karachi appear to maintain their own militia; Amnesty International has received reports over a long time about how political groups maintain and arm such militia by money extracted at gunpoint or by threats from manufacturers, traders and common people, few of whom dare offer resistance. The recent public statement about extortion by the MQM(H) by Farooq Sumar and the survey conducted by the HRCP offer ample evidence for the practice of extortion by several parties. None of the militia reportedly hesitate to commit human rights abuses, either in the extortion process, in the enforcement of strikes or in their political struggle.

MQM(A) spokespersons have consistently denied that members of the party are responsible for human rights abuses; they have asserted that public confessions of detained MQM members and torture cells are fake and put up by the government in its attempt to discredit the party. Similar denials have been issued by MQM(H) leaders and by other political groups. Despite protestations by MQM leader Altaf Hussain that the MQM does not subscribe to violence, there is overwhelming evidence and a consensus among observers in Karachi that some MQM party members have used violent means to further their political ends. During the period when the MQM held office, Amnesty International obtained testimonies from members of the PPP and smaller Sindhi parties that their members had been tortured and killed in the custody of the MQM(A). Reporters, editors and publishers reported that they had been threatened by MQM members to report favourably or to "face the consequences". In more recent times, too, individual cases of abuses by the MQM(A) and other political groups have been reported in the national press and to Amnesty International which strongly suggests that these armed opposition groups are indeed responsible for many cases of torture, hostage taking, abductions and deliberate and arbitrary killings reported in Karachi. Amnesty International therefore reiterates its urgent call to all armed political groups in Karachi to stop committing such abuses and to ensure that all of their members are clearly instructed that torture, abductions, hostage-taking and killings may not be committed.

While Amnesty International condemns the abuses committed by an armed opposition group, its stand does not carry a connotation of recognition or condemnation of that group nor does it constitute a comment on the legitimacy of its goals or political programme. Again, Amnesty International's intervention does not imply any judgment on the nature of the conflict in question in the context of which human rights abuses occur. The organization does not by

taking action on human rights abuses imply that the situation it addresses necessarily constitutes an armed conflict in terms of international law; it seeks the observation of minimum humane standards even in cases of sporadic armed encounters. Amnesty International merely focuses on the human rights abuse and calls on the opposition group responsible for it to stop them.

Government statistics show that around half of those killed in the past few months belonged to the MQM(A), MQM(H), PPP, Sipah-e Sahaba Pakistan (a Sunni party), Tehrik Nifaz Firqah Jafariya (a Shia party) and law enforcement personnel, including the police; the political affiliation of these victims suggests that they were killed either by armed opposition groups or by law enforcement personnel. However, the remaining half of those killed in Karachi appears to consist of people who did not belong to any political party and were probably not actively involved in the armed struggle between different factions. Dozens of dead bodies have been found in Karachi in the last months; many of them appear to have been abducted. They were found blind-folded, with their hands bound and showing marks of torture or mutilation, indicating that their deaths were caused by torture or that they were shot dead after having been tortured. While some may have been the victims of criminals or criminal gangs and others may have been extrajudicially executed by law enforcement personnel, some civilians appear to have been deliberately and arbitrarily killed by armed opposition groups in order to create, maintain or spread a climate of fear in the city.

Even hospitals have not been spared by armed opposition groups: When officers of the Rangers went to visit wounded men in Abbasi Shaheed Hospital on 22 May 1995, gunmen fired at the hospital for about one hour from the roofs of adjoining buildings injuring several patients and visitors and leading to the suspension of all medical work. A hospital staff member said, "We were lying on the ground to avoid getting hit. All work was suspended and there was total chaos".

While in the past, militant groups sometimes ambushed police and other law enforcement personnel during their operations, of late dozens of police officers, paramilitary Rangers and other government servants have been abducted, detained, tortured and killed, often when off duty, unarmed and not in uniform. According to official statements, some 195 police officers have been killed in Karachi between January and November 1995 (171 police officers, 13 Rangers and 11 army personnel). On 18 July, a retired police officer, Raja Mohammad Ishaq was abducted from a bus and tortured to death; his body was later found in an abandoned car in Gulbahar area of Karachi. On the same day, Assistant Sub-Inspector

Abdul Razzak, was kidnapped. His dead body, with hands and feet tied up, his eyes blindfolded and with marks of gunshot injuries, was found wrapped in a sack in the same locality. A note found on the body said, "anyone who confronts us will meet the same fate". On 27 July, 35-year-old Mohammad Tufain, undergoing training as head constable at the Police Training College, Baldia town, was kidnapped when off duty; his dead body, with hands and feet tied, was found the following day. Local observers have told Amnesty International that in some of these killings the fact that most police officers in Karachi are Punjabis may have contributed to their having been targeted by members of other ethnic groups.

People assumed to be police informers have also been killed. Many of the dozens of unidentified and often mutilated bodies found in gunny bags in Karachi over the last few months have had notes attached to them declaring them informers. For instance, on 14 August 1995, the body of an unidentified man stuffed in a bag with a hand-written note in Urdu saying "a gift for Interior Minister Gen. Nasirullah Babar and the fate of an informer" was found by volunteers of the Edhi foundation in Guru Nanak Chowk in Karachi. There were marks of violence and bullet injuries on the body.

Family members of police or government officers have also been targeted by militant groups. On 27 September in the Buffer Zone, District Central of Karachi, two adult sons of a police superintendent of Karachi and his guard were killed in an ambush on their car. On 15 October, five people were shot dead by gunmen at pointblank range in a Karachi home apparently solely because they were related to a police officer. On 23 November, the younger brother of Sindh Chief Minister Abdullah Shah, Ehsan Ali Shah, along with his friend and driver, were shot dead near his Federal B Area home in Karachi. He had no political affiliation. Two days earlier, the Urdu daily Takbir reportedly quoted an MQM source as announcing that a relative of the Chief Minister would be killed within the next few days.

People perceived to carry out government orders have also been deliberately and arbitrarily killed by armed opposition groups. Nazir Ahmed, driver of a tractor for a private road repair company, was ordered by police to close trenches dug across roads in Korangi Nasir Colony which is under the control of the MQM. On arrival in the morning of 6 July 1995, Nazir Ahmed and another driver were shot dead by gunmen positioned on nearby buildings. A First Information Report was lodged with the local police but as no witnesses came forward and the assailants were not known by name, the police investigation has not progressed.

Many of the killings by armed opposition groups are characterized by officials in the media as "revenge killings"; they occur immediately after incidents such as a death in custody of a political activist for which the government is held responsible. Following the death of Farooq Putney in an alleged "encounter" with the police on 2 August, 22 people died in Karachi the following day in what authorities described as "revenge killings" by armed opposition groups. 12 people were found dead in a mini-bus; they were blindfolded and killed by a single shot in the back of their heads. A police spokesman said the dead were Punjabis and Sindhis and alleged they were killed by the MQM on suspicion of being police informers. Police also found the bodies of two unidentified men in the boot of an abandoned stolen car; the chopped up parts of the bodies were stuffed in gunny bags together with a note which said "Revenge for Farooq Dada's murder". The MQM have denied responsibility for such killings. Conversely they have pointed to the killing of MQM leader Altaf Hussain's elder brother and nephew, Nasir Hussain and Arif Hussain, on 7 December, only days after the killing of the Chief Minister's relative. The two men had reportedly been arrested by police and Rangers from their residence in Federal B Area on 4 and 6 December respectively. Their dead bodies, reportedly bearing multiple injuries, were found on 9 December in an isolated area in Gadap.

Journalists and others who have reported critically on different armed opposition groups have over the years repeatedly reported to Amnesty International that they and their families were threatened with abduction and killing if they did not alter their reports. Such attacks have also occurred in the recent past. On 4 December 1994, Muhammad Salahuddin, editor of the Urdu weekly Takbeer was shot dead in his car outside his office in Karachi. He was highly critical of the policies of the MQM which reportedly led to his office being ransacked and his house being set on fire in late 1991, allegedly by MQM(A) activists. In February 1995, the Karachi offices of the daily newspapers The News and Nawa-i-Waqt were set on fire by armed activists, several journalists were beaten. On 21 June 1995, a rocket-propelled grenade was fired at the same building again. No armed group has assumed responsibility for the attack, but the newspapers have been warned on the telephone of more attacks. Sabir, the son of a local Muslim League leader in Orangi, Karachi, who had criticized "terrorists" in a TV interview in mid-July, was abducted and killed on 29 July 1995 in Karachi. A Karachi-based journalist told Amnesty International: "If you write [critically of the MQM], you get a phone call, promptly. They tell you they know where you and your family live and work and attend school and they say, 'watch out' and put the phone down." Attacks by other armed opposition groups have been reported as well. On 6 December 1994, Mohammad Samdani Warsi, manager of the Urdu daily Parcham, a newspaper understood to be close to the

MQM, was shot dead in his office, apparently by a group hostile to the MQM(A). Editors, stringers and even hawkers associated with the Sindhi newspaper Kawish were harassed, and threatened in December 1995 by people believed to belong to the Sindhi nationalist Jeay Sindh Taraqi Pasand Party. Their offices in Karachi and other towns in Sindh were ransacked and copies of Kawish burned. The paper had published a survey about extortion practices by that party.

Mohajirs who have joined political parties other than the MQM seem to be particularly at risk. A Mohajir PPP worker [name, location and date withheld] who refused to close his shop promptly following an MQM strike call was told, "you are a Mohajir, why are you a PPP member? You are a traitor, a cancer, you should be eliminated", before local MQM youths ransacked and looted his shop and beat him up. Another Mohajir PPP member reported to Amnesty International: "... I suffered persecution at the hands of both Jeay Sindh and MQM. MQM saw me as a traitor, because, like them, I am a Mohajir, a refugee from India, but unlike them I support the People's Party." He stated that beginning in 1986-87, "MQM [men] came ... frequently, armed, to harass me. ... Although they talked about politics, this was not a 'political debate' because of their arms and threats. They did this not only to me but to other People's Party activists as well. ... I was deeply afraid of them. ... MQM agents also came to my home, forcing me to move." After having received repeated threats he went into hiding for prolonged periods; several times he was also abducted by a faction of the Jeay Sindh, and released only on payment of large ransom amounts. He said that he had no "realistic hope of being able to continue my livelihood in Pakistan, as long as I [remain] true to my political views. Every day I [lived] in fear for my life and for my children's lives". Such fears are not unrealistic: Government statistics provided to Amnesty International indicate that in one district of Karachi alone, District West, 10 Mohajir PPP members were killed in the four-month period from 1 June to 30 September 1995. At least 32 PPP members were killed in Karachi in 1995, according to official statements; these are confirmed by individual reports and the cumulative evidence published in the local media.

There have been targeted killings of members of specific ethnic groups in Karachi throughout 1995 but it is impossible to ascertain responsibility for these. For instance, on 2 November 15 Seraiki speaking labourers from Southern Punjab were rounded up and killed in Samanabad, Federal B Area in Karachi. In July hundreds of Sindhis fled Gulbahar when MQM groups reportedly occupied the area and began targeting them.

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Amnesty International continues to receive reports of torture cells and private detention centres run by armed opposition groups. A Sindhi [name, date and location withheld] told Amnesty International that in September 1995, he was abducted by people he believed to be MQM(A) members. They took him to a room in an abandoned factory in an MQM(A) dominated area where he saw weapons, blades, sticks and drill machines. For six hours his captors cut him with razor blades on his shoulders, arms and chest and burnt him with cigarettes while urging him to resign his job. He is the only Sindhi speaker at his place of work to which he has not dared return since then.

Long scars of cut injuries on shoulders and chest were still visible in December 1995.

On 22 July 1995, the police and the paramilitary Rangers raided an abandoned carpet factory in Kashmir Colony, Gulbahar, Karachi, which they claimed had housed a torture cell and detention centre allegedly run by the MQM. Correspondents who were taken there hours later reported finding ropes, electric cables and blood stained floors. Neighbours of the alleged torture cell told them that the place had been forcibly occupied by militant youths some ten days earlier and that frequently blind-folded people had been seen being dragged there. The nearby Khajji Grounds, an open football field, were also cleared at the same time by law enforcement personnel; they had also allegedly been used by MQM activists for the previous two to three months to ill-treat people. A local source told Amnesty International that the area is strategically located; it is surrounded on three sides by rivers. Narrow lanes make it difficult for law enforcement personnel to enter in vans or armoured personnel carriers. The source told Amnesty International that when MQM members had come to occupy Gulbahar in May 1995, they had "held people hostage in their own locality"; Sindhis or Mohajirs who did not support the MQM were driven from the area. Residents who stayed were made to dig trenches to make the area impenetrable. Several people living in the area reported to Amnesty International that they had seen unidentified dead bodies lying in the streets.

Newspapers in Pakistan have published reports about people rescued from torture cells maintained by specific political groups. For instance, three persons believed to belong to a law enforcement agency were reportedly freed in Saeedabad on 30 June 1995, after police spotted their tied arms protruding from under the shutters of a shop. Again, on 1 September police reportedly recovered a trainee police constable and his friend from a torture cell in Nasir colony in Korangi, Karachi; the two men had been abducted, robbed and detained for several hours when they were found by police.

Confessions of people described as MQM members are also occasionally published. The daily Dawn of 26 June published a long statement by Mohammad Taqi, who publicly confessed to having murdered 16 people, mostly of the MQM Haqiqi, on orders of the MQM(Altaf) leaders. He had been arrested a month earlier in Islamabad. Again a supposed confession of a police officer who had clandestinely worked for the MQM was published on 14 July; he claimed that he had participated in a number of killings and attacks in Karachi at the behest of MQM(Altaf) leaders. Former prisoners have also told Amnesty International that fellow prisoners belonging to the MQM had spoken openly about offences committed by them.

MQM(A) spokespersons have claimed that such confessions and torture cells are fake; they have in turn reported that its members and sympathizers have suffered abductions and killings by MQM(H) members. They have alleged for instance that on 18 September 1995, Mohammad Rizwan Beg, 12-year-old brother of MQM worker Ahsan Beg, was abducted by MQM(H) members from near his house; his body bearing torture marks, was found on the next day in Landhi, an area mostly under the control of the MQM(H).

Conversely, the Haqiqi group have claimed that the MQM(A) was responsible for abductions, torture and killings of its members. For instance, when on 12 March 1995 seven men were killed in what was described as a Haqiqi command centre in Pak Colony in North Karachi, Haqiqi leader Afaq Ahmad alleged that "MQM-Altaf people, backed by police and Rangers are roaming around rounding up our men from their homes and killing them in cold blood". The MQM(H) has given Amnesty International a list of 95 party members killed in 1995 in Karachi, allegedly by MQM(A) activists. In mid-January 1996, the MQM(H) headquarters in Landhi were attacked with rocket-propelled grenades and automatic weapons, according to MQM(H) leader Afaq Ahmed by MQM(A) activists.

The Jeay Sindh Taraqi Pasand similarly reported to Amnesty International that 178 of its party workers had been killed in Karachi in 1995 by members of other parties. Attacks between members of the MQM(H) and the Jeay Sindh in Malir were also reported in December 1995.

In Karachi, the two factions of the MQM, the factions of the Jeay Sindh and different religious groupings are pitted against each other and several of them oppose the government. These confused lines of conflict have enabled each group as also the government to hold others responsible for abuses. However, Amnesty International believes that the available

evidence strongly suggests that all the armed opposition groups operating in Karachi are responsible for torture, abductions and killings. It therefore calls again on these groups to refrain from such abuses of human rights and to abide by minimum standards of humanitarian law.

### **5. Impunity of perpetrators of human rights abuses**

The authorities have failed to investigate dozens of reported cases of torture, deaths in custody, extrajudicial executions and "disappearances" allegedly perpetrated by law enforcement personnel as well as torture, hostage taking, deliberate and arbitrary killings allegedly committed by armed opposition groups. As a result the perpetrators have not been brought to justice. Failure to investigate and to prosecute encourages the view that the government is condoning such violations and abuses and may have directly contributed to the continuation of the pattern of human rights abuses observed in Karachi. Armed opposition groups appear to have encouraged or condoned abuses committed by their members.

Police officers and paramilitary Rangers alleged to be responsible for human rights violations have only very rarely been suspended or charged; Amnesty International does not know of any police officer who has been convicted for committing human rights violations in Karachi. In a very few cases, criminal charges have been brought against law enforcement personnel for alleged human rights violations. In late July 1995, six police officers were suspended following the death of a young suspect in their custody. Mohammad Tehseen Khan, a 24-year-old MQM supporter of Orangi, Karachi, had been arrested on 17 July for allegedly carrying an unlicensed pistol. On the next day, he died and in the early morning of 19 July, his dead body was taken to Jinnah Post Graduate Medical Hospital for autopsy; doctors reportedly stated that his body bore marks of torture. Police claimed that he had died owing to illness but later a case under section 304/34 (culpable homicide and acts done by several people for a common purpose) of the Pakistan Penal Code was registered against six police officers; an interdepartmental inquiry and a judicial inquiry were ordered to investigate the death and ascertain responsibility. It is not known if the charge has been finalized; the outcome of the inquiries does not appear to have been made public. Several other inquiries have been ordered to establish the responsibility for deaths in custody and extrajudicial executions but Amnesty International is not aware of any inquiry reports having been published or of any member of the law enforcement agencies having been held to account for such human rights violations.



The government does not appear to have been successful in stopping human rights abuses by armed opposition groups and in bringing those responsible for abductions, torture and deliberate and arbitrary killings to justice. While a large number of activists are in detention, where they have often been ill treated and denied legal safeguards, very few of them have been tried and convicted. Moreover, there is strong evidence that law enforcement personnel in some cases have taken the law into their own hands and extrajudicially executed members of armed opposition groups rather than arresting them so that they may be criminally prosecuted.

The government furthermore appears to have arrested only members of certain opposition groups but not those of others. On the basis of Farooq Sumar's "public FIR" in which he charged that the government was colluding with the MQM(H) which he believed guilty of criminal extortion (see above), the federal Home Ministry reportedly ordered the arrest of MQM(H) leader Afaq Ahmed. This order was reportedly rescinded upon the personal intervention of the Sindh Chief Minister. Farooq Sumar has reported that he and his family have received further threats by the MQM(Haqiqi) who have apparently felt emboldened by the Sindh Chief Minister's steps.

Media in Pakistan openly report on the "continuing covert support extended by intelligence agencies to the Haqiqi splinter group of the MQM" as an impediment to improving the situation in Karachi (Dawn, 27 May 1995). Human rights organizations have stated that people belonging to militant political groups who are known to have committed serious offences are freely moving around Karachi. Journalists have reported to Amnesty International that they know where some of the hide-outs of armed opposition groups responsible for killings and abductions are located; the law enforcement agencies and the various intelligence agencies operating in Karachi cannot be unaware of these. These journalists have also pointed out that long-drawn battles between armed opposition groups for control over territory in Karachi reveal their presence to the authorities; if they are then not arrested it cannot be for want of information.

Amnesty International believes that the continued impunity enjoyed by some armed political groups has encouraged these groups to further harass and threaten their opponents and unarmed civilians. The organization believes that the government must consistently and lawfully act to end human rights abuses of all armed opposition groups and send a clear signal that all those responsible for such abuses will be brought to justice.

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The armed opposition groups do not appear to have taken steps to ensure that their members refrain from abducting opponents and subjecting them to torture and deliberate and arbitrary killings; they appear to encourage, permit or condone such abuses. Amnesty International reiterates its call to armed opposition groups to clearly and unambiguously instruct their members that they must refrain from abductions, torture and deliberate and arbitrary killings.

## **6. The government's public statements on the human rights situation in Karachi**

National and international human rights organizations have expressed their concern about the deteriorating human rights situation in Karachi. Several local peace initiatives like the "Citizens' Voice" have sprung up in recent months as Karachi residents appear to believe that political parties are unable to resolve the crisis. The Human Rights Commission of Pakistan has repeatedly expressed its concern about the growing number of deaths in the custody of police and other law enforcement personnel and about deliberate and arbitrary killings both by government agencies and militant groups; Amnesty International shares these concerns. There have been innumerable calls by national and international human rights organizations to the Government of Pakistan to institute independent and impartial judicial inquiries into reported human right violations committed by law enforcement personnel and armed opposition groups and appeals to armed opposition groups to observe minimum standards of humanitarian law.

Some Pakistani political parties have also expressed their concern about the situation in Karachi. A senior vice-president of the PML (Pakistan Muslim League), Mujahid Khan Baloch in a press statement on 5 August demanded that the government in view of the contradictory accounts of the death of Farooq Dada in an alleged "encounter", set up a judicial inquiry to ascertain the truth. Similarly, Jamat-e-Islami leader Prof. Ghafoor on 19 October said that uncalled for arrests, killings in police encounters and discriminatory behaviour of law enforcement personnel caused discontent among people in Karachi. While the top PPP leadership have denied allegations of human rights violations, local leaders have expressed concern about "police excesses". A meeting of PPP area presidents in District Central of Karachi on 15 September said that "arrests of innocent people are a conspiracy to bring a bad name to the government" (Dawn, 16 September 1995). A day earlier, Sindh Chief Minister Syed Abdullah Shah had told the press that he had directed the Inspector General of Sindh police to look into the complaints against police for harassing innocent citizens.

Public statements have sometimes served to fan the flames in Karachi and tended to encourage further violence. Government officials have habitually called the MQM a "terrorist" organization with "links to India", have held them responsible for every incident involving heavy loss of life, without first investigating it, and have called for an elimination of "terrorists". Interior Minister Babar on 24 September said that some 300 to 400 "terrorists" had been arrested or "eliminated" but that some 400 were still sought. On 3 September, he added, "if anyone is seen carrying weapons and disrupting normal life, he'll be shot at sight" (Dawn, 4 September 1995). Following the death of Farooq Putney and three others in an alleged "encounter" on 2 August, he said that young people should throw away their guns, "otherwise they would meet the same fate as Farooq Dada". Sindh Chief Minister Syed Abdullah Shah in a news conference said that the law and order situation in Karachi had considerably improved as "terrorists' arms are being effectively twisted though not entirely broken, which has helped to improve the general law and order environment" (Dawn, 27 August 1995).

Despite persistent reports of deaths in custody and extrajudicial executions, Prime Minister Benazir Bhutto after a meeting with top government officials is reported to have said she had authorized police to use "ruthlessness" where necessary to eliminate lawlessness; officials were reported to have been threatened with dismissal if they failed to restore order to Karachi quickly. When the government should have called for meticulous adherence to lawful procedures, several police officers who had killed alleged "terrorists" in "encounters" in suspicious circumstances were given awards.

The federal government has responded to the worsening crisis in Karachi by announcing legal changes which would extend the death penalty to offences which, it claimed, could not be dealt with under existing laws. On 18 September 1995, the federal cabinet announced that it had decided to introduce legal changes to provide the death penalty for anyone convicted of unlawfully possessing, carrying or dealing in weapons, including rocket launchers, missiles, machine guns, dynamite and detonators. Life imprisonment and other sentences of imprisonment can be imposed for trafficking in other arms and ammunition. Announcing the changes, to be introduced by ordinance, Minister for Information and Broadcasting said, that "this is a right step and once it is enforced I am sure gun-running will end and the situation in Karachi will improve". Amnesty International believes that the deterrent effect of the death penalty has never been established; it unconditionally opposes the death penalty as the violation of the most fundamental right, the right to life. The organization calls on the Government of Pakistan to review the recent extension of the death penalty.



## **7. Amnesty International's concerns and recommendations to the Government of Pakistan and to armed opposition groups**

Amnesty International once again appeals to all sides in the present conflict in Karachi to do everything possible to restore a situation in which its residents can enjoy their human rights, including the right to life and liberty of the person, in dignity.

Situations of armed conflict sometimes tempt governments to adopt harsh measures to restore law and order. However, such a situation may never be used as an excuse for governments to commit human rights violations.

Amnesty international calls upon the Government of Pakistan to:

### **- publicly condemn torture, extrajudicial executions and "disappearances"**

The Government of Pakistan should publicly demonstrate its total opposition to these human rights violations. Amnesty International is calling upon officials at the highest level, including the head of state, heads of federal and provincial governments and heads of different security forces to publicly condemn torture, extrajudicial executions and "disappearances". They should make it clear to all law enforcement personnel that these human rights violations will not be tolerated under any circumstances. To demonstrate its commitment to the protection and safeguarding of human rights, the Government of Pakistan should then take concrete measures, as outlined below, to investigate reports of human rights violations, to bring perpetrators to justice, to adequately compensate victims, to ensure that no one in detention is subjected to torture, extrajudicial execution or "disappearance" and to put safeguards in place to prevent their recurrence in future.

### **- immediately and unconditionally release all prisoners of conscience**

Many of the political prisoners in Pakistan have criminal charges pending against them and it is impossible for Amnesty International to ascertain if these are justified or not. Often it is also difficult to ascertain whether political prisoners are prisoners of conscience, i.e. prisoners detained solely for the non-violent expression of their political beliefs, or their sex, colour, language or religion. However, all those persons detained in Pakistan solely because their family members who are wanted cannot be found, are in Amnesty International's view prisoners of conscience. Amnesty International urges the authorities to immediately and

unconditionally release all prisoners of conscience and to ensure that no more people become prisoners of conscience.

**- ensure that all political prisoners receive a fair trial**

Amnesty International urges the authorities to ensure that all political prisoners receive a fair trial as required by international standards such as the International Covenant on Civil and Political Rights (ICCPR). The ICCPR in Article 14 lays down fundamental principles of fair trial; these include the right to be presumed innocent until proved guilty according to law (Article 14(2)) and the right to communicate with counsel of his own choosing (Article 14(3b)). Such prisoners must be tried promptly or else released.

**- investigate every single reported instance of torture, death in custody, extrajudicial execution or "disappearance"**

Amnesty International once again urges the Government of Pakistan to ensure that all reports of torture, deaths in custody alleged as a result of torture, of extrajudicial executions and "disappearance" be thoroughly, promptly and impartially investigated. The investigating authority should have all necessary resources and powers to carry out the investigation effectively, including the power to compel witnesses to attend and to obtain documentary evidence. The government should further ensure that victims and witnesses are adequately protected against harassment. The terms of reference, the composition and the findings of such inquiry should promptly be made public.

**- promptly bring to justice all law-enforcement personnel responsible for torture, deaths in custody, extrajudicial execution and "disappearances"**

In order to stop the recurrence of human rights violations it is of utmost importance that those responsible are promptly brought to justice and are punished according to international human rights standards. The phenomenon of impunity, literally the exemption from punishment, is one of the main contributing factors for the continuing pattern of human rights violations the world over. By bringing perpetrators of human rights violations to justice, the government will be sending a clear message that such violations will not be tolerated and that those found

responsible will be held fully accountable. When there is failure to investigate human rights violations and those responsible are not held to account, a self-perpetuating cycle of violence is set in motion resulting in continuing violations of human rights.

The subject of judicial inquiry of complaints of human rights violations should include not only those who actually perpetrate torture or other human rights violations but also all those who incite, order, attempt, consciously cover up or are otherwise implicated in such practices.

**- ratify international treaties relating to the prohibition of torture, extrajudicial executions and "disappearances"**

When a government ratifies international or regional human rights instruments, it affirms to the international community its commitment to respect and promote human rights. This is also a guarantee to all persons in the country that future governments will honour the international obligation to protect human rights. Amnesty International regards ratification of these instruments as an important indication of a government's commitment to the concept of human rights as a concern that transcends national boundaries. Adherence to these instruments not only invigorates domestic efforts for implementation and protection of human rights, but also preserves important achievements of current governments against retrogression by future governments.

Amnesty International therefore reiterates its call to the Government of Pakistan to ratify international human rights treaties, namely the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights and its first Optional Protocol which provides for individual complaints. The ratification of or accession to these international human rights standards would not in itself end torture, extrajudicial executions or "disappearances", but would demonstrate the government's commitment, both nationally and internationally, to respect and promote human rights and at the same time provide a basic framework within which the government can work towards the eradication of these human rights violations.

**Amnesty International's concerns and recommendations to armed opposition groups**

Amnesty International unconditionally opposes torture or ill-treatment, deliberate and arbitrary killings and hostage taking by armed opposition groups. In its opposition to human rights

abuses by armed opposition groups, Amnesty International is guided by the norms of international humanitarian law. Common Article 3 of the four Geneva Conventions of 1949 is the norm most widely applicable to varying situations of internal armed conflict; it sets out minimum standards applicable to governments and armed political groups alike. Armed political groups should abide by Common Article 3, paragraph 1(a), (b) and (c), whatever the level of fighting or violent confrontation with the government. Common Article 3 of the four Geneva Conventions defines the people to whom its protection is extended in a clear and comprehensive manner: "Persons taking no active part in the hostilities including members of the armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other causes...". Paragraph 1 of Common Article 3 prohibits certain acts "at any time and in any place whatsoever with respect to the above mentioned persons". These acts listed in Paragraph 1's clauses include violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; taking of hostages; outrages upon personal dignity, in particular humiliating and degrading treatment.

Amnesty International urges all armed opposition groups to strictly adhere to these minimum standards; it calls on leaders of such groups to issue clear orders to all members to refrain from human rights abuses such as hostage-taking, torture and deliberate and arbitrary killing.



**Appendix: Responses of the Government of Pakistan to Amnesty International's statement on 17 August 1995**

When Amnesty International on 17 August issued its most recent call to the Government of Pakistan (see: Pakistan: Violations and abuses not abating in Karachi, AI Index: ASA 33/21/95) to protect citizens in Karachi from targeted killings by armed opposition groups and to investigate reports of human rights violations by law enforcement personnel, the organization received a number of responses from the government of Pakistan. The Minister of State for Law on 19 August commented on it before the press. The High Commission of Pakistan in London and the Permanent Mission of Pakistan in Geneva on 25 August sent almost identical statements to Amnesty International, the former sent another response on 1 September. Senator Iqbal Haider sent a long response to Amnesty International on 28 August and on 17 October the Sindh Government sent its response. Though some of the communications are identical, they will be looked at separately.

Although Amnesty International's public statement also contained allegations about human rights abuses committed by armed opposition groups and recommendations to end these, none of these groups have responded to the statement.

1) On 19 August 1995, Minister of State for Law, Raza Rabbani, told the press in Islamabad that the statement issued by Amnesty International suffered from a contradiction: "On the one hand it accuses the government of inadequacy in action and on the other it speaks of alleged excesses". This response appears to wilfully read a contradiction into a statement containing several concerns: Amnesty International had expressed concern that the government should adequately protect citizens against human rights abuses by armed opposition groups but not by resorting to means which involved serious human rights violations.

In the same press conference, Raza Rabbani also strongly denied allegations of torture in custody: "Every accused person whether surrendering or arrested is given the protection under the laws of the country. If any such incident has been brought to the notice of the government, it has acted swiftly to enquire and ensure the authenticity of the report." Amnesty International believes that the government of Pakistan has not lived up to its obligation to do just that - to investigate every single reported instance of human rights violation and to bring those responsible to justice. Its statement had specifically called for the government to set up independent and impartial inquiries into reports of human rights violations. Amnesty International is aware that several investigations have been set up, but has not had access to

any findings of such inquiries nor does it know of criminal proceedings initiated against alleged perpetrators of human rights violations.

2) On 5 September 1995, Amnesty International received a detailed statement from Senator Syed Iqbal Haider, charge of Human Rights Affairs, Pakistan People's Party, claiming that Amnesty International had been "influenced by one-sided adverse propaganda" as "the main instruments of mayhem and destruction in Karachi, the MQM (Altaf) has been completely absolved of any wrong doing". A few days earlier, Senator Haider had told the press in Islamabad that in Amnesty International's statement, "an attempt has been made to portray this terrorist organization amongst the victims" (Dawn, 31 August 1995).

Senator Haider's letter then quantifies the deaths in Karachi for the period of 1 to 31 July and for 1 January to 18 August 1995. It states that in July the breakup of 279 killings in Karachi is: six terrorists killed in encounters with police, at least 15 law enforcement personnel and nine PPP workers "killed by the terrorists belonging to MQM(A)". The rest were "innocent civilian victims of indiscriminate terrorism".

In Amnesty International's view, such play with numbers is futile; the purpose of Amnesty International's work is not to find the group which is the worst sufferer in a given situation. Every single person, whatever his or her political affiliation, whether he is a so-called "terrorist" or criminal suspect, who is tortured or arbitrarily and deliberately killed, whether by an official or an armed opposition group is of concern to Amnesty International; every single such case must be investigated and the perpetrators brought to justice; every single further case must be prevented. The organization therefore reiterates its call to the Government of Pakistan to ensure that every single reported case of torture, death in custody, extrajudicial execution or "disappearance" is investigated with a view to bringing the perpetrator to justice and that urgent measures are taken to prevent their recurrence.

The Senator's letter moreover ignores that Amnesty International has distinctly condemned torture and killings by armed opposition groups and has repeatedly called on such groups to stop human rights abuses (see: Pakistan: Torture, deaths in custody and extrajudicial executions, AI Index: ASA 33/05/93; Pakistan: The pattern persists: Torture, deaths in custody, extrajudicial executions and "disappearances under the PPP government, AI Index: ASA 33/01/95; and several news services in 1994 and 1995, AI Index: ASA 33/WU 01/94; ASA 33/WU 08/94; ASA 33/WU 05/95; ASA 33/16/95; ASA 33/21/95).

Senator Haider, referring to Amnesty International's statement that Farooq Putney and three other MQM workers appear to have been extrajudicially executed on 2 August and that all such reports should be subjected to independent and impartial inquiry, stated that Farooq Putney was wanted in at least 40 criminal cases, including 16 murder cases and that he had opened fire at law enforcement personnel when he refused to stop his car at the direction of police. In Amnesty International's view the fact that Farooq Putney may have been a criminal is utterly irrelevant and can never serve as an excuse for subjecting him to summary justice at the hands of law enforcement personnel. Amnesty International in its statement urged the government to set up an independent inquiry precisely because the circumstances of his death were in doubt as his family had stated that he had been arrested the day before. Unfortunately, the Senator's reply does not respond to this request. The Senator's statement that Farooq Putney was after his death reportedly declared a freedom fighter by the party's leadership and that 25 people died in so-called "revenge killings" is in Amnesty International's opinion irrelevant as well: violent or criminal actions by any group may never serve as an excuse for governments to commit human rights violations against them.

With regard to Amnesty International's statement that Farooq Sumar who had accused the government of an "alliance with crime" (this was not Amnesty International's allegation as Senator Haider states and clearly marked as a quotation in the text), Senator Haider enclosed a "detailed fact sheet" of unknown origin, the contents of which contradict Farooq Sumar's reports to Amnesty International as well as the findings of the investigation of the Human Rights Commission of Pakistan. As evidence that the government is neither patronizing nor supporting any group of terrorists, Senator Haider cites the fact that "large numbers of MQM(H) activists are in Jail or have been killed by the terrorists". The fact that MQM(H) leader Afaq Ahmad who is charged with a large number of criminal offences is moving around freely has by many observers in Karachi been cited as the strongest evidence to the contrary. (See also below the government's statistics on arrests of party members)

The Senator's letter closed by saying that Amnesty International should not lend its "support, justification or encouragement to terrorists or violators of human rights". Amnesty International has never done any of these: it has consistently condemned human rights abuses by all armed opposition groups and has repeatedly asked them to stop torture and deliberate and arbitrary killings.

However, Amnesty International's condemnation of human rights abuses perpetrated by armed opposition groups does not alter Amnesty International's primary focus on

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government responsibilities: Governments have a legal responsibility to observe international human rights law and to protect those under their formal authority. They may not in difficult situations, as when they are faced with an internal emergency, terrorism or subversion, abrogate these responsibilities and resort to human rights violations to achieve specific aims such as restoring law and order. Amnesty International thus continues to regard human rights as the individual's rights in relation to governmental authority and accordingly, to express its concerns about human rights violations by governments to governments. The Senator reiterated to Amnesty International in December 1995: "The government has never issued any instructions to police to commit human rights violations ... The government is sincerely committed to ensure that police do not use excessive force, use torture or commit extrajudicial executions." These commitments need to be translated into measures of prevention of human rights violations and into prompt steps to bring those responsible to justice once human rights violations have occurred.

3) On 26 September 1995, Amnesty International received a reply, dated 25 August, from the Permanent Mission of Pakistan in Geneva; the enclosed details it said, were "the factual position" ascertained "on the basis of thorough investigation which have been carried out by the concerned authorities in Pakistan"; an almost identical statement was received on 28 August from the High Commission of Pakistan in London, also dated 25 August 1995. The comments in these letters on the death of Farooq Putney in an alleged "encounter" and on Farooq Sumar's complaint are identical with those of Senator Iqbal Haider's (see above).

The letters list the arrests made in Karachi between 1 January and 20 August 1995 as consisting of 147 MQM(A) members, 2 MQM(H) members, 7 Sipah-e-Sahaba members, 3 Al Zulfikar members and 1133 others. This breakup appears to contradict Senator Iqbal Haider's claim in his letter to Amnesty International that a "large number of MQM (H) activists" had been arrested and that the government was not favouring any particular group.

4) On 3 September Amnesty International received a further letter from the High Commission of Pakistan in London which merely asked "on what basis Amnesty International [had] reached a conclusion that 'the Government is not doing enough to protect innocent citizens'". Amnesty International believed that the consistently high number of killings in Karachi supported by the government's own statistics on the high incidence of deaths of innocent people being killed in political violence in Karachi is in itself sufficient evidence for inadequate protection.

5) On 17 October, Amnesty International received a response from the Advisor for Information to the Chief Minister of Sindh in Karachi on behalf of the government of Sindh. Appended to this report was a 52-page record of killings in Karachi from 1 June to 30 September in the Karachi districts South, East, Central, Malir and West.

The letter from the Sindh government stated that Amnesty International's report was not "based on an objective appraisal of the situation existing in Sindh". It raises five specific points:

a. It claims that Amnesty International's report is contradictory without substantiating this claim; this appears to echo Minister Rabbani's earlier comment on Amnesty International's statement.

b. The Sindh government's letter claims that Amnesty International's statement is "mostly based on newspaper reports comprised of press releases issued by MQM Altaf group". It states that "it is standard practice of Altaf group to issue press release of any alleged incident in Karachi, in a most subjective manner, and then to ensure that it is published in Karachi press verbatim. ... The press releases issued by Altaf group are based on rhetoric, misstatements, concoctions and fabrications ... It appears that AI has been influenced by such concocted propaganda material of Altaf group."

Amnesty International never bases its statements merely on newspaper reports; it has received communications directly from victims and victims' families, from lawyers and human rights groups and has verified these in Pakistan itself. However, when newspapers based in Karachi carry daily reports of human rights violations and abuses, Amnesty International cannot ignore these. It has called on the government of Pakistan to promptly and independently investigate such reports and allegations and to ensure that if there is evidence of involvement of law enforcement personnel in such violations, that such personnel are brought to justice.

c. While the government in its letter acknowledges that Amnesty International has expressed its concern about deliberate and arbitrary killings by armed opposition groups and has called on them to respect minimum humanitarian standards, the letter expresses its dissatisfaction that Amnesty International "fails to take into account that [the] Altaf group is involved in such killings. ... The perusal of this report reveals that the AI is fully aware of the fact that innocent citizens are being killed by armed groups. (Altaf group is an armed group). However, AI [Amnesty International] fails to say so."

Amnesty International has in the past expressed its concern about human rights abuses perpetrated by the MQM; for instance in its report Pakistan: Torture, deaths in custody and extrajudicial executions (AI Index AI: ASA 33/05/93), Amnesty International said that it had received evidence of torture and ill-treatment perpetrated by MQM members. However, in the current tense situation in Karachi it is impossible to research in detail human rights abuses perpetrated by any one armed opposition group; several parties maintain armed groups and are thought to be responsible for torture and killings in Karachi. Amnesty International believes that it is the task of independent and impartial judicial inquiries which the government should set up to establish such responsibilities and it is the obligation of the government to ensure that those responsible are brought to justice.

d. The letter further states that Amnesty International's statement that the "government simply is not doing enough to protect innocent citizens from targeted killings by armed opposition groups" is false and that Amnesty International ignores the efforts made by the government to protect the citizens of Karachi. However, the letter does not contain any examples of such efforts. The consistently high number of daily deaths in Karachi would appear to belie any such assertion that adequate measures have been taken by the government.

e. The letter alleges that Amnesty International's statement that "the government should not use their [i.e. armed opposition groups'] violence as an excuse to commit torture and killings" is "irresponsible and appears to be an outcome of disinformation being perpetrated by Altaf group". In its statement, Amnesty International had enumerated several human rights violations allegedly perpetrated by law enforcement personnel. These included reported arbitrary arrests of family members of wanted MQM members, reports of torture, of lack of access of political prisoners to lawyers and of "disappearance" of prisoners in custody. Amnesty International had called on the government to bring such violations to an end and to establish inquiries into all reported instances of human rights violations with a view to bringing perpetrators of human rights violations to justice.

The letter does not reply to any specific allegation of human rights violations nor does it indicate any action to implement steps recommended by Amnesty International. The government does not acknowledge the necessity to take any measures to improve the human rights situation in Karachi. By shielding law enforcement personnel from prosecution for human rights violations and by engaging in dangerous rhetoric which may incite armed opposition

groups to further violence, the government may set in motion a further escalation of human rights violations.

The 52-page appendix to the letter listing 760 killings recorded between 1 June and 30 September 1995 in Karachi purports to supply evidence for the government's contention that the MQM is responsible for these. The government letter referring to these deaths asks: "I would like to know what the Amnesty is doing about the rights of the relatives and dependents of 760 persons killed by MQM Altaf during the course of 4 months. ... It is a pity that Amnesty International is playing such a partisan role and it seems that your organization is siding with India which is fomenting the strikes and violence ... in Karachi".

A close scrutiny of the list which contains name, age, address, ethnic origin and, where known, party affiliation, of each of the dead, has led Amnesty International to the following conclusions:

i. The list does not provide evidence for the government's categorical statement that these 760 people were killed by the MQM(A).

While the entries of the Karachi districts East, Central, Malir and West do not indicate any circumstances of the deaths, those made by District South briefly record these. Among the 68 killings recorded in District South between 1 June and 30 September, 11 killings are recorded as due to family dispute or personal enmity, 14 violent deaths are listed as due to "unknown reasons" and 43 killings are recorded as perpetrated "by unknown terrorists"; of the last group one is recorded as committed by a member of the MQM (A).

ii. The list, moreover, is not credible, in that it appears to have been tampered with and in that it appears to under-account for MQM deaths.

The list of dead, while indicating dead who belonged to the MQM (Haqiqi), the PPP, and the various law enforcement services in the districts South, East, Central, Malir and West, only lists three deaths of MQM (A) members in four months. This record is not credible, given the MQM(A)'s following and involvement in the conflict. Earlier, Afzal Ali Shigri, Inspector-General of Police, Sindh had provided a different, more credible breakup of killings for the period 30 November 1994 to 30 May 1995 to the Human Rights Commission of Pakistan: MQM (Altaf) 73, MQM (Haqiqi) 78, PPP (19), SSP/Sunni 51, TFJ/Shia 68, Police 82, Rangers/army 18 and others 392, totalling 781 dead.

Even more serious is the fact that in several of the lists, whole entries have been rubbed out, so that the numbering, done by hand, had to be crossed out and redone. In the record of District East which lists 153 deaths, altogether seven entries have been removed (for the dates: 12 June, 13 June, 19 July, 23 July, 27 or 28 July, 18 September, 25 September). District Central, which enters the killings by police station in whose area the killings occurred, list 278 killings in the four months; in its records 21 entries are rubbed out (for the dates: 3 June, two entries between 4 or 5 June, 15 June, two entries between 13 and 24 June, one entry between 15 and 21 June, one entry between 21 and 30 June, three entries between 1 and 25 June, 24 June, 25 June, two entries between 25 and 30 June, 27 or 28 June; one entry between 20 and 31 July, one entry between 9 and 31 July; one entry between 21 and 31 August, two entries on 3 September). In the records of District West which list 246 killings between 1 June and 30 September, eight killings are rubbed out (for the dates: 1 or 2 June, 15 June, 17 June, 22 June, two entries for 6 September, two entries for 24 September). In several of the erased entries, brackets after the party affiliation of the killed can still be seen which would appear to indicate that the dead belonged to the MQM(A).

The government's tampering with the evidence, i.e. removing the entries of at least 36 killed in lists of killings covering a four-month period, casts doubt on the validity of the record itself and in a broader sense the government's attitude of impartiality and commitment to respect for the rule of law.

Amnesty International is constrained to conclude that the responses it has received from the Government of Pakistan are entirely unsatisfactory: they show no real commitment to end human rights abuses and violations in Karachi.