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Pakistan: Law and order concerns must not override citizens' fundamental rights

The federal Government of Pakistan and the provincial governments in Punjab and Sindh should not respond to the deteriorating law and order situation in the two provinces with arbitrary arrests and detention, Amnesty International said today.

“Prime Minister Nawaz Sharif’s announcement that law and order would be restored ‘*at all cost*’ and that ‘*we will tighten the noose around the enemies of peace*’ presents a fearful spectre of further disregard for the rights of ordinary citizens,” the human rights organization said.

Amnesty International recognizes the urgency of restoring law and order in the two troubled provinces but believes that arbitrary arrests and detention will not lead to peace.

“This ploy has been tested and proved counterproductive in the past,” Amnesty International said. “It is time the Government of Pakistan realized that the best deterrent to violence is the respect for the fundamental rights of the citizens of Pakistan. Only by meticulously adhering to legal provisions relating to arrest and detention and following due process of law will law and order be lastingly restored.”

In Punjab province, more than 130 people have died this year in sectarian violence between the majority Sunni and the minority Shia community. Militant members of both communities have not only killed each other but have indulged in targeted killings of ordinary civilians.

Increasingly lawyers, doctors and businessmen of the two communities are victims of such targeted killings. At least seven lawyers from the two communities were shot dead in June alone. These included Sunni lawyer Rao Khalil Ahmed shot dead on 24 June on his way to the Lahore High Court and Shia lawyer Shamim Haider Zaidi killed on 30 June in Multan.

In some instances, places of worship have been indiscriminately attacked leading to the deaths of innocent men, women and children. On 6 August some 12 people were shot dead in attacks on two Sunni mosques in Lahore and Multan. Two days earlier, at least eight Shia were shot dead in Shorkot.

“The government has sought to control this religiously motivated violence by mass arrests of hundreds of people -- often including entire families or residents of entire localities -- and detaining them for days without charge or trial,” Amnesty International said. “This is not a solution to lasting peace but merely serves to perpetuate the violence.”

On 22 July, for example, police arrested 175 students during a raid on a Shia religious school in Lahore after they were suspected of hiding one criminal suspect. The students were held for several days.

Dozens of Shia and Sunni activists have been detained under the Maintenance of Public Order Ordinance of 1960 (MPO) which allows detention without charges for up to three months

but which can be further extended. In some instances the detention orders under the MPO were found unlawful but only more privileged people can afford to go to court to challenge such detention orders.

“Time and time again the police appear to have been using the MPO simply because they did not have sufficient evidence to frame criminal charges against suspects,” Amnesty International said.

In Sindh, some 2,600 people were arrested over the past month, including workers of all the opposition parties. Since the beginning of the year, political violence in the province cost more than 400 people their lives; scores of people have also been injured. At the core of the struggle is the strife between the MQM(A) [recently renamed Mutahida Qaumi Movement (Altaf), United National Movement] and the MQM(H)[Mohajir Qaumi Movement (Haqiqi), National Refugee Movement] but there is also some sectarian and ordinary criminal violence.

In Karachi, prominent citizens who have no role in the struggle between the ethnic and religious factions have been targeted. In July, Shahid Hamid, managing director of the Karachi Electric Supply Corporation, and two sons of a senior police officer, died in a targeted killing. Navaid Hussain, founder of the environmental non-governmental organization Shehri, was seriously injured when gunmen shot him at point blank range in his office in Karachi on 8 July.

Amnesty International is appealing to all the groups in Pakistan who are involved in violent activities to abide by the basic principles of humanity. The rules of international humanitarian law prohibit deliberate or indiscriminate attacks on civilians.

Arbitrary arrests violate the Constitution of Pakistan which guarantees in articles 4 and 9 respectively, that *“to enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen...”* and that *“No person shall be deprived of life and liberty save in accordance with law”*.