

# PAKISTAN

## Freedom of assembly should not be curtailed again on 1 May

As political opposition parties in Pakistan are planning to hold public rallies and demonstrations in Karachi on 1 May 2001, Amnesty International urges the Government of Pakistan to withdraw its ban on such political activities and to immediately and fully restore to political activists the right to peaceful assembly. Recent public political protests were followed by arbitrary arrests and ill-treatment by state agents despite constitutional guarantees to the right to freedom of assembly and association and to freedom from torture and ill-treatment. The detainees were held solely for the exercise of their right to express their political opinion. Amnesty International regarded them as prisoners of conscience and urged the government of Chief Executive General Musharraf to immediately and unconditionally release them. The organization now calls on the Government to ensure that on 1 May no further prisoners of conscience will be detained. Article 20 of the Universal Declaration of Human Rights says:

**“Everyone has the right to freedom of peaceful assembly and association.”**

According to reports from Karachi, orders have already been issued under the Maintenance of Public Order Ordinance to detain politicians who may breach the ban on public political activities on 1 May. Large scale arrests are widely anticipated.

General Musharraf in his Pakistan Day<sup>1</sup> message on 23 March 2001 called on Pakistanis at home and abroad to “renew their resolve to inculcate in themselves unity, solidarity and harmony in every facet of national affairs. ... A social order free from exploitation, discrimination and justice cannot be established without the active support of the people.” However, such words remain meaningless if basic rights to freedom of expression and assembly are being denied. The freedom to express dissent and a plurality of views are as indispensable as solidarity and harmony. Under international human rights standards, nobody may be punished for exercising these rights.

### **Freedom of assembly denied**

In March 2000, immediately prior to the visit of then US President Bill Clinton, the Government of Pakistan imposed a ban on all outdoor political activities, including rallies and demonstrations. This ban continues to this day. Indoor political meetings have so far not been prevented. On several occasions, parties opposed to the military government have breached the ban and held public meetings. Participants have been arrested, usually

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<sup>1</sup>On 23 March 1940 the Muslim League adopted the Pakistan Resolution and Muslims throughout the sub-continent began to campaign for a separate homeland for the Muslims of the region; the day is now a national holiday, Pakistan Day.

only for short periods of time. In the year 2001, the right to freedom of assembly has repeatedly been violated in Pakistan. People who have assembled to voice their professional grievances, to raise awareness about what they perceive as discrimination in the prevailing election system, to criticise the government or to insist on their economic right to water, have been arbitrarily arrested and detained and in some instances been ill-treated by state agents.

#### **a. Threat of arrests and ill-treatment in April 2001 in Lahore**

On 9 April, police broke up a rally of some 15 journalists and newspaper employees in Lahore who were peacefully protesting against retrenchments and dismissals, delays in payment of wages and lack of protection against attacks on journalists by private individuals. The rally was led by the President of the Pakistan Federal Union of Journalists (PFUJ); the participants had taken the precaution of walking in groups of twos and threes in order not to fall under the ban on the assembly of five or more people imposed under section 144 of the Code of Criminal Procedure. As they approached the Faisal Chowk area, the PFUJ President explained to police officers stationed there the purpose of the walk and assured them that the journalists would disperse in a short time. As the rally was being addressed by him, a police officer announced that the Superintendent of Police had ordered the arrest of the journalists if they did not disperse within two minutes. Apparently without awaiting a response, police used batons to drive away the journalists, injuring several.

#### **b. Arrests in March 2001 in Lahore**

The 18-party Alliance for the Restoration of Democracy (ARD) which includes the Pakistan People's Party (PPP) and the Pakistan Muslim League (PML) called for a mass demonstration near Lahore's Mochi Gate, the traditional site of political rallies and protests on 23 March, Pakistan Day. ARD leaders were expected to call for the resignation of the military government and immediate general elections under an interim civilian government of national consensus.

To prevent the demonstration, police on the morning of 20 March began arresting activists and leaders of all participating parties from their homes in Punjab province. On 21 March, 27 leaders of the ARD including 80-year-old ARD chairman Nawabzada Nasrullah Khan and several senior members of the PPP, PML and Awami National Party (ANP) were taken into custody. Several of them were released a few hours later; those from outside Punjab were expelled from the province and forbidden to re-enter. Checkpoints on access roads to the city were set up to prevent political activists from reaching the rally. As news of the arrests spread, activists went into hiding, leading in several instances to police reportedly arresting family members in their stead.

On Pakistan Day itself, police prevented politicians from leaving their homes to attend the rally. The home of ARD leader Nawabzada Nasrullah Khan was under virtual siege with nobody allowed to leave or enter the house. Leading politicians of all major parties were ordered by police to remain at home and stay away from Mochi Gate which was meanwhile blocked off by barbed wire amidst a massive presence of police in the centre of the city.

According to ARD sources, over 2,000 political activists were arrested in Punjab province alone on the days before and on 23 March. PPP sources claimed that between 3,000 and 5,000 people had been detained. Police sources put the number at about 200. During arrests, police beat demonstrators with sticks though none reportedly resisted police. While most detainees were apparently not held on any formal grounds, some were detained under provisions of the Maintenance of Public Order Ordinance which under section 16 allows detention on grounds of making a speech which “causes or is likely to cause fear or alarm to the public” or which “furthers or is likely to further any activity prejudicial to public safety or the maintenance of public order”. All detainees appear to have been released since.

### **Arrests in March and April 2001 in Sindh**

In late March and in April 2001, political activists, environmentalists and civil society activists in Sindh province, agitated against the persistent and severe shortage of irrigation water and increasingly also of drinking water in the province. The water problem has been building up over the past few years; it reached a crisis point in 2001 due to prolonged drought and now endangers the primarily agricultural economy of Sindh, threatens the fragile ecology of the Lower Indus and has forced rural populations to rely on brackish water leading to health hazards especially for the young, elderly and ill. Activists allege that the natural water shortage has been aggravated by a government policy which has arbitrarily deprived the province of its due share of water.

Members of the *Awami Tehrik* (People’s Movement) and the *Sindhiani Tehrik* (Sindhi Women’s Movement) undertook a long march to protest against the acute water crisis and government indifference to the plight of the province. It started from Bhit Shah on 20 March and was intended to end with the handing over of a petition and list of grievances to the Provincial Governor on 9 April in Karachi. At every stage of the march, protesters were arbitrarily arrested and detained, some were arrested several times.

On 21 March, at least 34 demonstrators, including 71-year-old lawyer and Awami League leader Rasool Bux Palejo and leader of the Sindh National Party (SNP), Dr Dodo Mehri, were arrested near Matyari; most were released within hours and resumed the march. Further arrests of at least 35 activists, including 15 women, took place on 23 March. On 25 March, when the march reached Tando Muhammad Khan, 42 people were

arrested. As the marchers reached Thatta on 31 March, at least 32 participants were arrested. Among them was once again Rasool Bux Palejo who had been released on 27 March. According to eye witnesses, police repeatedly used baton-charges to disperse the protesters, leading to dozens of protesters, including women and children being injured.

After the marchers reached Karachi, arrests continued. On 8 April, at least 13 participants of the *Awami Tehrik* were arrested, apparently when protesters were already dispersing after listening to political speeches. On the concluding day of the water march on 9 April, police used teargas and batons to disperse participants who tried to march to the Governor's House to hand over a memorandum. According to participants, several people were injured and 161 people, including 30 women and children were arrested, including once again Rasool Bux Palejo. All were released within hours. On the same day, the provincial governments of Punjab and Sindh agreed that more water be made available to Sindh for the following two weeks to ease the immediate irrigation needs of the province.

Participants in the water march were joined in Karachi by members of other parties, including the *Muttahida Qaumi Movement* (MQM) and the *Jiye Sindh Qaumi Mahaz* (JSQM). On 10 April, leaders and workers of the MQM and the JSQM were arrested as they approached the Karachi Press Club where they had intended to set up a tent and hold a hunger strike. Roads near the club were cordoned off and protesters arrested before they could reach the strike venue. When protesters sat down on the road, they were dragged away to police vans; some were injured. On the following days, police maintained their cordon along access roads to the Karachi Press Club to stop protesters reaching it for the planned hunger strike. On each of these days around 20 to 25 people, including women demonstrators, were arrested. As protesters failed to achieve their aim, they increasingly resorted to violence and police increasingly used sticks and teargas in their efforts to disperse the protesters.

On 16 April, as protests by some 4,000 demonstrators grew violent, between 40 and 50 demonstrators were arrested at a roadblock near the Governor's House. Police fired teargas when some amongst several thousand protesters threw stones and bottles at them. As demonstrators sought to escape into side streets, police and paramilitary forces gave chase, hitting several demonstrators with sticks. Dozens of cars were damaged by protesters. On 17 April police rounded up at least 200 political workers, mostly of the MQM, after seven public buses and over 30 private vehicles were set on fire ahead of a planned general strike on the following day; local observers said that many of those arrested had nothing to do with the violence but were mere by-standers or local residents.

On 18 April, a general strike called by MQM and JSQM was observed in all major cities and towns of Sindh to protest against the crackdown on the protest movement. The strike

turned violent in Karachi where one man was killed and two others were injured in two bomb blasts. Police said they had arrested about 600 people for their alleged involvement in violence. Several of those arrested in Karachi were criminally charged under different sections of the Pakistan Penal Code relating to offences against public order.

According to reports from Karachi, the government has issued strict orders to arrest and criminally charge anyone who was involved in or instigated violence during these protests. Orders also appear to have been issued to arrest people against whom criminal charges were brought in the past -- despite the widely acknowledged fact that often such charges are brought on political grounds and have no substance.

### **Rallies to take place on 1 May in Karachi 2001**

Amnesty International believes that many peaceful participants in the demonstrations described above were arbitrarily arrested and detained. Article 16 of the Constitution of Pakistan limits the freedom of assembly, making it “subject to any reasonable restrictions imposed by law in the interest of public order”. While Amnesty International recognizes the right and duty of the authorities in Pakistan to maintain public order and protect people and property against violence, such action should be taken strictly in line with international human rights standards. Amnesty International believes that none of the peaceful demonstrators in the incidents described above posed a threat to public order and hence should not have been arrested or detained.

Many observers in Pakistan have pointed out that the ban on political activities like demonstrations and rallies stands in the way of constructive dialogue; it may also, if perceived as unjust, trigger widespread resistance and explain the recent increased resort to violence in Karachi. “Small issues get inflated into national crises and large communities, which may or may not agree with the demonstrators, get alienated. All people who are denied a hearing are driven to despair and matters that can be settled through conversion become non-negotiable.”<sup>2</sup>

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<sup>2</sup>I.A. Rehman, “Right to assembly can’t be denied”, in: *Dawn*, 12 April 2001.

Amnesty International is also concerned that the ban on public political activities is arbitrarily applied; large gatherings of Islamist groups in Akora Khattak, Islamabad, Peshawar and Karachi in early 2001 have been allowed to take place without any curbs placed on them. I.A. Rehman, Director of the non-governmental Human Rights Commission of Pakistan has pointed out that there is evidence of the government “indulging in a strange dualism because it excludes huge congregations flying religious banners of sorts, some where arms are freely displayed, from the definition of political rallies. This despite the fact that, at some of these rallies at least, vows are taken to demolish the state’s democratic foundations, and violence is preached as the supreme virtue.”<sup>3</sup>

Amnesty International fears that as on earlier occasions, many participants in the planned rallies on 1 May will be arbitrarily arrested and detained for the peaceful exercise of their right to assembly. The organization urges the administration to respect the right of people in Pakistan to peacefully express their political views and to lift the ban on outdoor political activities forthwith.

### **Political background**

The government of Prime Minister Nawaz Sharif was replaced on 12 October 1999 by a military government headed by General Pervez Musharraf. On 14 October 1999, General Musharraf issued a proclamation of emergency, dismissed the national and provincial governments, suspended the national and provincial assemblies and the Senate, assumed the office of Chief Executive of Pakistan and placed the Constitution of Pakistan in abeyance. The Provisional Constitutional Order of the following day said that though the constitution was in abeyance, “the fundamental rights conferred by ... the Constitution, not in conflict with the Proclamation of Emergency or any order made thereunder from time to time shall continue to be in force.” It further said that the country would be governed, as nearly as possible, in accordance with the Constitution. All laws were to continue in force “until altered, amended or repealed by the Chief Executive” and courts were to continue to function as before but “shall not have the powers to make any order against the Chief Executive or any person exercising powers or jurisdiction under his authority”. In his first address to the nation, General Musharraf set out key objectives for his administration, which included rebuilding democracy by a process of devolution of powers and a crackdown on corruption, reaffirmation of the rule of law and the revival of the economy. The Supreme Court of Pakistan in May 2000 confirmed the lawfulness of the military takeover under the doctrine of necessity and gave the government of General Musharraf three years to complete its declared objectives.

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<sup>3</sup>*Dawn*, 12 April 2001.

At the end of December 2000, local body elections, held on a non-party basis, began in 18 of 106 administrative districts, followed by elections in March in a further 20 districts on a sequential basis. All local bodies are to begin functioning in August 2001. General Musharraf has promised elections at the provincial and subsequently at the national level before the deadline of October 2002 given by the Supreme Court.