

# PAKISTAN

## Journalists harassed for exposing abuses

*“When will the day come when saying the truth, writing the truth, raising the voice against injustice and against oppression will not be considered a crime?”*, from a letter to Amnesty International written by a young journalist currently imprisoned in Sindh.

### Introduction

In July 1996 the daily *Dawn* carried a report that prisoners in Hyderabad Central Jail were held in iron bar fetters and cross fetters. Several photographs were shown as evidence. Rather than investigating the allegation and bringing those responsible for the unlawful practice to justice, the Government of Pakistan filed criminal charges against M.H. Khan, the author of the article. He obtained bail but the charges are pending.

Amnesty International is deeply dismayed by the government’s attitude. The organization has noted in the past that journalists exposing human rights violations are sometimes considered to have engaged in anti-state activities and are harassed, ill-treated or falsely charged with criminal offences. The present document lists several such cases that have come to the attention of Amnesty International during the past year.

Amnesty International calls on the Government of Pakistan to promptly set up impartial and independent investigations whenever human rights abuses are uncovered by journalists rather than to harass them for exposing them. The false charges brought against journalists who have merely exercised their right to freedom of expression should be dropped and any journalist who may currently be detained on such charges should be released immediately and unconditionally. Those authorities who are responsible for maliciously initiating criminal prosecution of journalists exposing abuses should be held to account. The compounding of impunity by bringing criminal charges against those who report human rights violations must be brought to an end so that people may fully enjoy their fundamental rights in Pakistan. Also, the government of Pakistan should take strong and effective measures to ensure that human rights defenders including journalists can pursue their tasks free from harassment and without fear for their lives and their safety.

### Background

An article by Mohammad Hussain Khan entitled “A chamber of horrors” published in *Dawn* of 24 July 1996 said that in Hyderabad Central Jail

“... hundreds of prisoners - shifted from different jails in the province - are in solitary confinement, handcuffed and bar-fettered. ... ‘Everything is going well and none of the prisoners are in distress,’ said the Hyderabad jail superintendent, Major Ghulam Hussain Khoso, while talking to this correspondent on the telephone. However, under trial prisoners told *Dawn* they are being kept in chains, cross-bar fetters and handcuffs, preventing them from sleeping or moving in the barracks”.

The article went on to say that the prison, built to a capacity of 1,527 prisoners, currently held some 2,535 prisoners. It said that following a jailbreak in early July in Sukkur, northern Sindh, some 350 prisoner, including members of the Jeay Sindh Qaumi Mahaz, the Jeay Sindh Students Federation, Pakistan People’s Party (Shaheed Bhutto), Sindh Tarraqi Pasand Party and the Mohajir Qaumi

Movement (MQM) had been transferred from Sukkur to Hyderabad. Another 260 prisoners belonging to the MQM and other political groups had reportedly been transferred to Hyderabad Central Jail from Nara Jail. Many of the political prisoners had reportedly been placed in isolation cells and been denied access to family, lawyers and party workers.

The article was accompanied by three photographs showing prisoners in bar fetters and cross bar fetters; they were blindfolded with their own shirts. Their captions indicated that the prisoners suffered acute discomfort when they sat down or tried to sleep or walk.

Copyright: *Dawn*, Karachi

The initial response by government officials to the publication of the *Dawn* article was to deny rather than to investigate the allegations. Inspector General of Prisons of Sindh province, Salim Akhtar Siddiqui, categorically denied that prisoners in Hyderabad were held in bar fetters and cross bar fetters. He claimed that the pictures had been earlier taken in a torture cell maintained by a political party and asserted that police had in the past recovered fetters from such cells. He stated that the cells in Hyderabad Central Jail had only one door and that the cells photographed were of two-door cells, in other words, the photos were not authentic. Similarly, jail superintendent Khoso told the press on 25 July that the *Dawn* report was “not based on fact and has been managed by some jealous or ill-minded person only to defame the present jail administration and the newly-posted inspector-general of prisons”. He asserted that no prisoner was kept in isolation cells, that only eight or ten “hardened criminals” were held in bar fetters, strictly in accordance with prison rules, and that the pictures were not genuine but taken in a “torture cell”. He said some prison staff were “black sheep” who might have arranged for such pictures to be taken.

Jail superintendent Khoso on 25 July 1996 took some journalists to selected wards of the prison on condition that none of them should speak to any prisoner. However, some of the correspondents succeeded in speaking to prisoners during their visit. Prisoner Salahuddin, a former MQM Member of the Sindh Provincial Assembly, told them that in the isolation ward which had not been shown to the journalists, some prisoners had been held in fetters for as long as one year. Prisoner Bashir Qureshi, Secretary General of the Jeay Sindh Qaumi Mahaz, who had been taken to court that day and who had seen the *Dawn* report told journalists that “*Dawn* has printed only one per cent of the truth, for the atrocities are simply beyond description”.

Two days after the publication of the report, the deputy superintendent of Hyderabad Central Jail lodged a complaint with the police against the reporter, M.H. Khan, accusing him of public mischief, cheating, dishonesty and forgery under sections 417, 420, 469, 471 and 505 Pakistan Penal Code (PPC). The deputy superintendent of Hyderabad Central Jail stated in the First Information Report, the initial complaint lodged with police, that "I have come here on the instructions of higher authorities to lodge the complaint".

On the same day, 26 July, the Sindhi-language newspapers *Sindh* and *Kawish* which had carried similar reports, published the names of some of the fettered prisoners photographed in Hyderabad Central Jail and challenged the prison authorities to contradict the report and the photos. On 31 July, *Dawn* published a signed letter from prisoner Bashir Qureshi naming all the fettered prisoners shown in the pictures.

Prisoners taken to court on 28 July told journalists that since the publication of the *Dawn* report, conditions in Hyderabad Central Jail had further deteriorated with several prisoners being fettered together which made any movement impossible. Some prisoners also said that police had approached their relatives and had assured them that the prisoners would receive all facilities in jail if they did not make any statements to the press. Jail superintendent Khoso on 30 July issued a statement that the Sindh Minister for prisons, Syed Umed Ali Shah, had paid a surprise visit to Hyderabad Central Jail on 28 July and had received no complaint from any of the inmates.

On 1 August, M.H. Khan was granted interim bail before arrest by the Sindh High Court at Karachi, which was subsequently confirmed on 13 August. The police investigation of the complaint is not proceeding but the charges against M.H. Khan have not been withdrawn. The punishments for the offences with which M.H. Khan is charged, range from one to seven years' imprisonment and fine.

The federal Human Rights Ministry on 1 August announced it would soon take up the issue with the Sindh Chief Minister. Minister Iqbal Haider said, "to keep prisoners in fetters is a violation of human rights" and added that all those officials "involved in such blatant violations should be taken to task". On 4 August, the Governor of Sindh, Kamal Azfar, directed the provincial ombudsman, retired judge Salahuddin Mirza, to investigate the complaint about violations of the prison manual in Hyderabad Central Jail. The investigation took place on 12 and 13 August 1996. On 13 August Judge Mirza paid a surprise visit to Hyderabad Central Jail in connection with the inquiry. He reportedly also visited those wards that are usually out of bounds for visitors. He did not make any public statements about his findings as he had to submit his report to the governor. He reportedly admitted, however, that there had been reports of violence against prisoners. He said that prison officials had told him that they had no fetters in the prison.

The imprisoned leader of the Jeay Sindh Qaumi Mahaz, Bashir Qureshi, on 15 August told journalists whom he met on his way to a sessions court hearing that prisoners who had testified before the ombudsman were being threatened by prison authorities and that some had been put in isolation cells: "Major Khoso has threatened the prisoners that he will teach them such a lesson that none of the prisoners will dare to give any statement in future", he said.

On 4 September 1996, the superintendent of Hyderabad Central Jail was suspended. Khoso was subsequently charged with corruption. He is free on bail. To Amnesty International's knowledge, no criminal charges for ill-treatment of prisoners were brought against him.

### **Other recent instances of harassment of journalists**

The Lahore High Court in March 1996 ruled that the press in Pakistan is free to publish any material that comes to its notice, even if it is not true or regarded as defamatory by a public figure whom it may concern, as long as it is not motivated by malice or spite.

Prime Minister Benazir Bhutto on Press Freedom Day, 3 May 1996, said that "the government, the people and the press are unanimous and equally committed... dictatorships create hurdles in the way of a free press but we are today in [an] ideal situation" in which the press was free to act as a "bulwark against abuses of power, corruption and violation of the law ... This brings out the foremost importance of freedom to journalists to perform their duties without fear from any quarter."

The Prime Minister's words were in sharp contrast to the statement made on the same day by Owais Aslam Ali, Secretary General of the Pakistan Press Foundation. He said that journalists in Pakistan have increasingly come under attack from the government, from political groups but also from militant groups. He stated that, "while the situation was far from satisfactory for urban journalists, it was intolerable for their colleagues in rural areas of Pakistan, who have to face unchecked abuse of power from local authorities, feudal lords and politicians who have the means of delivering brutal private punishment".

Amnesty International knows of dozens of instances in which journalists have been ill-treated or harassed by law enforcement personnel for pursuing their professional duties. The latest incident occurred on 20 September 1996 when police beat journalists and snatched or smashed their cameras as they were covering the killing of Murtaza Bhutto, chairman of the Pakistan People's Party (Shaheed Bhutto), and his companions by police in the streets of Karachi. A senior police officer was reported to have ordered his force to "catch these bastards. Make sure no one of them [can] run. Snatch their cameras and everything." According to a report in *The News* of 21 September 1996, a police officer during the same incident ordered his force to open fire at journalists should they ignore his orders and come closer.

Besides ill-treatment and harassment by police, journalists have also been exposed to the vengeful actions of influential individuals which police have apparently frequently condoned. Moreover, journalists have increasingly been subjected to arbitrary arrest and detention and the bringing of false criminal charges which appear to be intended to intimidate them, to prevent them from carrying out their professional duties without fear and to punish them for having uncovered unlawful practices in the course of their work. Some of the more recent cases that Amnesty International is aware of include:

– **Zafaryab Ahmed**, a journalist with *The News* was arrested in Lahore on 5 June 1995. He was pushed and beaten during arrest and taken to an undisclosed locality by staff of the Federal

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Investigation Agency (FIA). He was accused of “exploiting the death of Iqbal Masih”<sup>1</sup> in his writings and to have, “in collusion with the Indian intelligence agency RAW [Research and Analysis Wing]”, aimed at “causing a recurring financial loss to the Pakistani business interests abroad ... to pave the way for economic warfare against Pakistan”. He was charged with sedition and with “promoting hatred between groups”. On 20 July 1995, Zafaryab Ahmed was granted bail on health grounds but the charges remain pending against him. An appeal by the FIA to cancel his bail was dismissed by the Supreme Court in September 1995.

– On 12 December 1995, **printers, publishers, editors and reporters of five evening newspapers in Karachi** were summoned by police for publishing material considered objectionable by the authorities and as defaming the state under section 505 (publishing statements conducive to public enmity) of the Pakistan Penal Code. The publishers’ organisation instructed their members not to obey “the unconstitutional and illegal summons of the Karachi police”. The notice was subsequently withdrawn.

– In January 1996, **Aslam Awan**, chief editor of weekly *Sachai* was to be arrested in Dehra Ismail Khan, North West Frontier Province, under the Maintenance of Public Order Ordinance for reporting the arbitrary detention of another journalist. It is not known at present if the arrest was carried out.

– On 22 January 1996, 22-year-old **Zahid Ali Qaimkhani** of *Sindh Sujhag* and *Barsat* was arrested in Kandiaro, Naushahro Feroze district in Sindh after the person in charge of the state-run telephone exchange alleged that Qaimkhani had destroyed records and furniture of the telephone exchange. Qaimkhani had earlier uncovered corrupt practices of staff of the telephone exchange. He was released on bail after a few days. The sessions court in Kandiaro on 23 July 1996 sentenced Qaimkhani to five and a half years’ imprisonment after finding him guilty of an arson attack on the Kandiaro telephone exchange. The court ignored a note written on 10 July by the District Magistrate of Naushahro Feroze to the District Public Prosecutor that he had made an inquiry into the complaint which “reveals that the applicant [Qaimkhani] is not involved in terrorist activities and setting on fire the telephone exchange record etc at Kandiaro”. The Deputy Commissioner of Naushahro Feroze had in a letter of 31 January 1996 requested the Divisional Engineer of the Telephone Department to take disciplinary action against the complainant who is in the letter called a “corrupt official” who in bringing charges against Qaimkhani has tried to “bring in politics in a personal quarrel and tried to excite political hatred”. Zahid Ali Qaimkhani’s bail application and appeal against his conviction are currently pending in the Sindh High Court at its Sukkur bench. Qaimkhani remains imprisoned in Sukkur jail.

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<sup>1</sup>Iqbal Masih, a child activist against bonded labour, was shot dead in suspicious circumstances on 16 April 1995 in Muridke, Punjab province. While activists of the Bonded Labour Liberation Front held the carpet industry responsible for the murder, spokespersons for the industry denied any involvement. The non-governmental Human Rights Commission of Pakistan investigated the incident and concluded that the murder had nothing to do with Iqbal Masih’s political activities. However, doubts persist about the real circumstances of his death. The murder suspect in the case has recently been acquitted following trial in Lahore.

– In February 1996, **Mukhtar Burfat**, correspondent of the Sindhi dailies *Awami Awaz* and *Sindh* was reportedly abducted and detained and ill-treated for four days by police in Jamshoro, Dadu district, Sindh province. Burfat had exposed corrupt practices by Jamshoro police.

– On 3 March 1996, **Mumtaz Ali Sher** of *Bakhtawar* was reportedly abducted by the men of rural landowner Hussain Keerio after he had written a report about irregularities in a school run by the landowner's wife in Jhol, Sanghar district, Sindh. He was beaten, hung upside down naked, repeatedly raped by the landlord and his men. His hair, eyebrows and moustache were shaved off by his captors. Released after one day, he was threatened with death if he were to report the incident. The landlord reportedly belongs to the ruling Pakistan People's Party (PPP) and is related to a close associate of the Prime Minister's husband, Asif Ali Zardari. Journalists protesting in Jhol against the abduction and brutal treatment of their colleague, were harassed by the landlord's men in the presence of police but obtained assurances from the Deputy Commissioner of Sanghar that they would be able to meet Sindh Chief Minister Syed Abdullah Shah scheduled to visit the area the next day. The Chief Minister on 9 March ordered the registration of an FIR and the arrest of the culprits but local police initially refused to comply with the order. The FIR was registered on 17 March and the station house officer of Jhol police station was suspended. The Senior Superintendent of the crime branch of Hyderabad police ordered an inquiry of the incident but it is not known if the inquiry has been concluded. To Amnesty International's knowledge, none of the accused has been arrested.

– On 20 April 1996, journalist **Monis Bokhari** of the daily *Sindh* was attacked by armed guards of a local MPA (Member of provincial assembly) of the PPP after he had reported on the landlord's illegal practices. He was travelling on the roof of a bus near Larkana when the assailants placed a noose around Bokhari's neck and tried to push him off the bus. Fellow travellers intervened and saved Bokhari's life. Police at Dokri refused to file Bokhari's complaint but nonetheless arrested one of the landlord's armed guards, Rasool Shah, on the next day. Later in the evening, the landlord's brother reportedly appeared in the police station, ordered that the arrested man be released and directed a doctor of the local government hospital, in the presence of police officers, to certify that Shah had been beaten. Shah then filed a complaint that Monis Bokhari had injured him. On 22 April, Monis and his brother Daman Bokhari were arrested, remanded to judicial custody and transferred to Larkana district jail. They were later released on bail but charges against Monis Bokhari are pending.

On 26 April, some 20 journalists marched to the Prime Minister's house in Larkana to press for the release of the two brothers. According to reports, their placards were destroyed by security guards stationed there. Two days later, local journalists at Dokri protesting against the journalists' arrest were attacked by the landlord's armed men in the presence of police. The men injured nine protesters, including five journalists. The journalists, taking the injured men along, reported the incident to the Dokri police station and told police they would take the injured to hospital and then return to file the First Information Report; however by the time they returned, the landlord's armed men had filed a complaint against nine journalists. The Deputy Commissioner of Larkana intervened several days later promising that the armed guards would be apprehended. Four guardsmen were indeed arrested several days later but released on the same day. An impartial inquiry was announced to investigate the incident but has apparently not been carried out. The criminal charges against the nine journalists are pending.

- On 2 July 1996 the Senior Superintendent of Police reportedly warned **journalists at Dadu Press Club** that “false criminal cases”, including keeping illegal arms and drug trafficking, would be filed against them if they persisted in reporting police harassment of family and followers of the veteran opposition leader G.M. Syed who died in 1995. The Dadu Press Club observed a news blackout on 8 July to protest against this threat to journalists.
  
- On 30 June 1996, **Suhail Ahmed Qalendar** of the daily *Kasoti*, Peshawar, was arrested by police from Mardan under several sections of the PPC and the Maintenance of Public Order Ordinance for disclosing in a report that the Deputy Commissioner of Mardan had used his influence to have his name withdrawn from a complaint of murder. The Deputy Commissioner issued administrative orders for the journalist’s arrest. Qalendar was granted bail but the charges are pending.
  
- A senior journalist of the daily *Dawn*, **Sheikh Aziz**, was abducted on 12 July 1996 by an investigative agency around 2.30am as he was being dropped home in Karachi by his paper’s vehicle; six senior *Dawn* staffers were present and questioned why he was taken away; they were told that a senior officer wanted to speak to Aziz. Without arrest warrant, he was detained in an interrogation centre and questioned about the whereabouts of an Iranian absconder about whom the journalist was believed to have information. Aziz was released at 11 pm of the same day.
  
- On 15 August 1996, an arrest warrant was issued by the Deputy Commissioner of Tank, North West Frontier Province, against **Aamir Hamid Mughal** under the Maintenance of Public Order Ordinance (MPO) for his reporting of a tribal attack on the Deputy Commissioner. A week later, the arrest warrant was cancelled and charges under the MPO were withdrawn by the Deputy Commissioner following mediation by journalists of Tank. A press release of the Deputy Commissioner said that the report had been based on a misunderstanding.

### **Amnesty International’s concerns and recommendations**

Amnesty International is concerned about the fact that journalists have been beaten, threatened and criminally charged simply for the exercise of their right to freedom of expression, particularly when this right was exercised in the context of investigating and uncovering unlawful practices and violations of human rights. Impunity, literally the exemption or protection of perpetrators of human rights violations from punishment, is widespread in Pakistan. In some of the cases outlined here the government was not only unwilling to inquire into the journalists’ allegation with a view to bringing the perpetrators to justice but also harassed them by bringing false criminal charges against them.

Amnesty International calls on the Government of Pakistan to

- **withdraw false criminal charges against journalists and ensure that human rights defenders including journalists can pursue their tasks unimpeded, without harassment and without fear for their lives and safety; any journalist who may currently be imprisoned on false criminal charges should be immediately and unconditionally released.**

The right to freedom of expression is guaranteed in the constitution of Pakistan in article 19: “Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or

the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court or incitement of an offence". Similarly the Universal Declaration of Human Rights in article 19 states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

Amnesty International urges the Government of Pakistan to withdraw those criminal charges which are brought against journalists solely on account of the exercise of their right to freedom of expression in the pursuit of their professional duties. If anyone is imprisoned solely on account of criminal charges brought against him to punish him for the exercise of his right to freedom of expression, he is in Amnesty International's view a prisoner of conscience and should be immediately and unconditionally released.

**- promptly set up thorough, independent and impartial investigations of every allegation of human rights violation with a view to bringing perpetrators to justice. The subject of judicial inquiry should include those who actually perpetuate human rights violations but also those who incite to, order, attempt or consciously cover up such practices.**

The full truth about violations of human rights should be made known and those responsible should be brought to justice. The phenomenon of impunity 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, governments send a clear message that such violations will not be tolerated and that those found responsible will be held fully accountable. Failure to investigate and to prosecute encourages the view that the government is condoning such violations; this perception encourages people to continue committing human rights violations.

Torture, including beating of journalists, should be investigated by an independent and impartial investigation with a view to bringing those responsible for it to justice. Inaction and possible connivance of police who failed to protect journalists subjected to ill-treatment by other influential individuals, as well as failure of police to file complaints by journalists about ill-treatment by police and failure to investigate should also be promptly investigated.

**- ratify the relevant international human rights treaties including the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights.**

When a state ratifies international or regional human rights treaties, it affirms to the international community its commitment to respect and promote human rights and guarantees that all future governments will be bound by 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.