PAKISTAN

Human rights violations and the decline of the rule of law

an amnesty international report



"The power of the courts has been snatched away and there is no door left for legal shelter and protection." (From a letter written to Amnesty International in May 1981).

The boundaries on the cover map reflect those normally shown on international maps in 1981. Amnesty International takes no position on territorial disputes.

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OTHER AMNESTY INTERNATIONAL REPORTS

The Islamic Republic of Pakistan

Pakistan was created in 1947 as a separate state for the Muslims of the subcontinent. It had two wings: West Pakistan and East Pakistan. In 1971 East Pakistan became the independent state of Bangladesh. Pakistan covers an area of 803,943 square kilometres and has an estimated population of 77.9 million. Islam is the state religion and some 97 per cent of the population are Muslim. (This excludes the disputed area of Kashmir. The part held by Pakistan, there called Azad-Kashmir, has an area of 83,807 square kilometres and an estimated population of more than one million. Figures date from 1 January 1979.)

Pakistan is a federation of four provinces: Punjab, Sind, Baluchistan and the North West Frontier Province. Each has its own distinctive ethnic, linguistic and cultural identity. Fifty seven per cent of the population live in the Punjab which is the most developed province economically, and from which the Pakistan armed forces have traditionally been recruited.

After the partition from India in 1947, political and military power was concentrated in West Pakistan, although the majority of the population lived in the smaller wing. East Pakistan. There, the Awami League led by Sheikh Mujibur Rahman campaigned on a program of increased provincial autonomy for which it obtained massive support. In December 1970, in the first general election held on the basis of universal suffrage, the Awami League won 160 of the 162 seats reserved for East Pakistan and obtained an absolute majority in the National Assembly, giving it the right to form the central government. In West Pakistan the Pakistan People's Party (PPP), formed in 1967 on a socialist program, won a substantial majority of the seats, especially in the two most populous provinces of Sind and the Punjab. The Awami League's election victory increased political tension, and on 26 March 1971, one day after the Pakistan army intervened in the East, Sheikh Mujibur Rahman proclaimed the independence of Bangladesh. A bitter civil war resuited, which led, after India's military intervention, to the separation of East and West Pakistan. These events have increased the federal government's sensitivity about demands for greater regional autonomy, in particular from Baluchistan and the North West Frontier Province.

Pakistan became a member of the non-aligned movement in 1979 following its withdrawal from CENTO (Central Treaty Organization) in March that year. It is an active participant in the Islamic Conference, and maintains close links with most Islamic states in the Middle East, notably Saudi Arabia. It has also developed close economic and political relations with China. Since independence Pakistan has fought three wars with neighbouring India, and although relations have improved, they remain sensitive. Relations with Pakistan's other neighbour, Afghanistan, became increasingly strained after the Soviet military intervention in December 1979, and the influx of well over one million Afghan refugees has added to Pakistan's political problems. Pakistan's controversial nuclear program prompted the United States to cut off development aid in 1979, but a military and economic aid package worth 3.2 billion dollars was accepted by the Pakistan Government in September 1981, confirming the recent rapprochement in relations between Pakistan and the United States.

Human rights concerns

Amnesty International has noted a steady deterioration in respect for human rights in Pakistan, particularly since the beginning of 1981. The powers and independence of the judiciary have been further eroded under the military government. The ability of the civilian courts to enforce and protect human rights has been progressively restricted by a series of martial law provisions and constitutional amendments, culminating in the 24 March 1981 Provisional Constitution Order. This grants the President power to change the constitution at will — it effectively annuls the constitution which guaranteed fundamental rights to Pakistan's citizens. It marks the end of an independent judiciary and removes the long-established supervisory powers of the Supreme and High Courts to enforce respect for human rights. In taking these steps, the government has consistently ignored the directives set by the Supreme Court in its November 1977 judgment which imposed conditions on the legality of the government.

Thousands of political prisoners have been held under martial law, most considered by Amnesty International to be prisoners of conscience, imprisoned for expressing their beliefs. All major political parties are proscribed and all political and trade union activity is banned. Under martial law arbitrary arrest and detention have been widely used, and since the March 1981 Provisional Constitution Order was passed political prisoners have lost the protection of the right to habeas corpus. Critics of the government (and sometimes their relatives) have been arrested without warrant, without being informed of the grounds for arrest, and often their families have not even been told where they are being held. They have been detained without trial, or tried by military courts using summary procedures. Many have been

sentenced to imprisonment and flogging for non-violent political activities which Amnesty International believes amount to no more than the peaceful exercise of the rights to freedom of opinion, expression and association guaranteed to all citizens by the Universal Declaration of Human Rights, and in Articles 17 and 19 of the Pakistan Constitution itself.

Political prisoners are tried by military courts, without the right to appeal to a court of law or the right to defence by a lawyer. The procedures in such courts fall far short of internationally accepted standards for a fair trial, as laid down, for example, in the International Covenant on Civil and Political Rights. Trials of political prisoners have also been held *in camera*, inside prison.

Particularly since the beginning of 1981 Amnesty International has received a growing number of reports that political prisoners are being held incommunicado, and substantial evidence has emerged that prisoners are being tortured systematically. Between January 1980 and August 1981 at least 10 people, including three political prisoners, died in police custody, allegedly as a result of torture and ill-treatment.

Hundreds of people have been executed each year, and the President has turned down every single petition for clemency presented to him. Most of those sentenced to death were tried by military tribunals, and in many cases the prisoners were executed without even being granted the right to appeal to a higher court. Among those executed in 1981 were two political prisoners.

Amnesty International believes that the abuses described in this report amount to a consistent pattern of gross violations of human rights.

Introduction

For many years Amnesty International has sought to prevent violations of human rights within its mandate in Pakistan. This report reflects its efforts to secure the effective application of international standards for the protection of human rights under successive governments, and several Amnesty International delegations have visited Pakistan to discuss human rights concerns during the last decade.

In August 1971 an Amnesty International delegate visited Pakistan under the then military government. From 23 April to 12 May 1976 a delegation visited the country and met government officials, lawyers and political prisoners under the civilian administration of Prime Minister Zulfikar Ali Bhutto. Based on the findings of that mission, Amnesty International published a report outlining its concerns about human rights in May 1977: An Amnesty International Report including the Findings of a Mission to Pakistan, 23 April-12 May 1976.

After the present military administration took power in July 1977 an Amnesty International delegation visited Pakistan in January 1978 and discussed measures for the protection of human rights with General (later President) Zia-ul-Haq, and officials of his government. However the delegates were not allowed to meet former Prime Minister Zulfikar Ali Bhutto who was then in Lahore Jail on trial before the Lahore High Court on charges of conspiracy to murder a political opponent. After its mission Amnesty International made a number of recommendations to the government. However it did not receive a reply and the first public executions in Pakistan were reported in March 1978. These developments prompted Amnesty International to publish the findings of its 1978 mission: Short Report of an Amnesty International Mission to the Islamic Republic of Pakistan, 20-25 January 1978.

On 18 March 1978 Zulfikar Ali Bhutto and four of his co-defendants were sentenced to death after a controversial trial. Two lawyers attended the Supreme Court appeal hearing on behalf of Amnesty International; the Supreme Court upheld the death sentence in a split decision. Amnesty International publicly presented legal arguments as to why the sentence should be commuted, particularly in view of the unconvincing nature of the evidence produced in the trial. The former Prime Minister was executed on 4 April 1979, his four co-defendants several months later.

In the months that followed Amnesty International noted a steady deterioration in the human rights situation. It wrote to President Ziaul-Haq on 1 November 1979 and 26 September 1980 describing its concerns in detail and making further recommendations to the government. The texts of the letters were later made public. However Amnesty International received no reply and the recommendations presented to the Pakistan Government have still not been implemented.

Reports of serious human rights violations reached Amnesty International with increasing frequency. In May 1981 Amnesty International presented evidence of human rights violations in Pakistan to the United Nations, noting the deterioration since the beginning of the year.

Considering the persistent and serious nature of these human rights abuses, Amnesty International has compiled a report for presentation to the Pakistan Government by its Secretary General with an urgent request to halt human rights violations and to take immediate steps to protect the human rights of Pakistani citizens. To this end, Amnesty International respectfully submits a set of recommendations to the Pakistan Government.

Recommendations

Recommendations presented to President Zia-ul-Haq arising from the 1981 Amnesty International report on Pakistan

The military administration took power at a time of serious and widespread civil disorder, and proclaimed martial law stating that its limited purpose was to restore "law and order and normalcy" in Pakistan. However Amnesty International believes that the measures that the government has taken infringe basic human rights, contravening international human rights law and the 1973 Pakistan Constitution, as endorsed by the Supreme Court of Pakistan. Article 4 of the International Covenant on Civil and Political Rights provides that even in times of "public emergency which threatens the life of the nation and the existence of which is officially proclaimed" states have an absolute obligation to uphold the right to life, the freedom from torture or cruel, inhuman or degrading treatment or punishment, the right not to be tried under retroactive law, and the right to freedom of thought, conscience and religion. 1 Most of these human rights are not upheld in Pakistan today.

International Human Rights Instruments

The United Nations has repeatedly called upon all governments to ratify the international covenants on human rights.² Within Asia regional non-governmental organizations have endorsed this call.³ In order to secure the effective protection of human rights in Pakistan,

1 a) Amnesty International recommends that the Pakistan Government accede to the International Covenant on Civil and Political Rights and the International Covenant on

Economic, Social and Cultural Rights and the Optional Protocol to the first covenant.

b) Amnesty International also recommends that the government introduce legislation to restore fully the fundamental rights guaranteed in the 1973 constitution, by revoking constitutional amendments listed in this report that curtail those rights, in particular the March 1981 Provisional Constitution Order.

The judiciary's powers to protect human rights

The powers of Pakistan's judiciary to protect fundamental human rights had been eroded by previous administrations. However a series of constitutional amendments and martial law provisions passed since 1977 and culminating in the March 1981 Provisional Constitution Order has virtually ended the long-established independence of Pakistan's judiciary. (See Chapter 3.) The jurisdiction of the civilian courts has been restricted to an unprecedented extent by the loss of all powers to review military court proceedings and executive actions. Pakistan's Supreme Court and High Courts traditionally used these powers to enforce respect for fundamental rights. Political prisoners in Pakistan are no longer protected by the right to habeas corpus, in contravention of the guarantees in Article 9 of the International Covenant on Civil and Political Rights. Nor can

- 1 Article 4, paragraph 2 of the covenant states: "No derogation from Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision".
- 2 UN General Assembly Resolution 2200 (AIXXI) of 1966, and reaffirmed in subsequent resolutions.
- 3 The 6th Lawasia Conference, meeting in Colombo from 27 to 30 August 1979, reiterated "the validity and applicability of the Universal Declaration of Human Rights to all people within the Lawasia region". It urged: "the ratification of the International Covenants relating to Human Rights by governments within the Lawasia region, and to move towards adherence to the UN instruments in the field of Human Rights including those concerning law enforcement and refugees".

the courts grant them bail or other forms of interim relief as they had previously under Article 199 of the constitution. The courts can no longer hear appeals from political prisoners challenging the legality of their detention, or of their trial or conviction by a military tribunal. So political prisoners no longer have any legal redress against human rights abuses. The 1981 Provisional Constitution Order has facilitated further human rights violations: at least two political prisoners were executed shortly after its promulgation.

The right to habeas corpus protected by an independent judiciary is a basic legal safeguard. Its suspension has, in Amnesty International's experience, often facilitated grave human rights violations.

2. Amnesty International therefore recommends that the government take immediate steps to restore the independence of the judiciary in Pakistan. It recommends that its full powers to protect and enforce respect for human rights, as originally provided in Article 199 of the constitution, be completely restored by revoking the relevant constitutional amendments listed in this report, including the Constitution (Second Amendment) Order of 1979, Presidential Order No. 1 of 1980 and the 24 March 1981 Provisional Constitution Order, as well as accompanying martial law instruments, including Martial Law Order 77.

Arrest and Detention

Detention without trial is part of the constitutional framework in Pakistan and the Maintenance of Public Order Ordinance and martial law orders allow for preventive detention in broadly defined terms, without the legal safeguards applicable in ordinary law. When Martial Law Order 12 was replaced by Martial Law Order 78 political prisoners no longer had to be informed of the grounds for their detention. No judicial review of the legality of detention was allowed, and this report describes a pattern of arbitrary arrest without warrant of political prisoners. Many were not told why they were detained, and some were held incommunicado. In many cases their families were not informed of the grounds for arrest, nor where the prisoners was held. Relatives have been arrested if the wanted person could not be found, or if they took legal action on

behalf of a prisoner. The government rarely publishes any information on the arrest or release of political detainees.

Amnesty International believes that the widespread practice of arrest, release and rearrest without legal safeguards amounts to a pattern of arbitrary arrest and detention in contravention of Article 9 of the International Covenant on Civil and Political Rights. (See Chapters 4 and 5.)

- 3. a) Amnesty International recommends that the government review current detention practices with a view to releasing immediately all prisoners of conscience against whom there is no prima facie evidence of criminal activity. It recommends that all prisoners detained simply for the non-violent exercise of their human rights, including those named in this report, be set free. This could be implemented by the declaration of a general amnesty for political prisoners in Pakistan.
- b) Amnesty International also recommends that the government introduce legislation revoking laws allowing preventive detention of political prisoners as specified in this report, including Martial Law Order 78 (incorporating Martial Law Order 12) and the Maintenance of Public Order Ordinance.
- c) Amnesty International recommends that until preventive detention is abolished, the government regularly publish in the press the names of individual political prisoners arrested or released, and that in all cases relatives be informed immediately of the arrest of the prisoner and of the place of detention.

Trials of political prisoners

Martial law provisions prohibit normal political activity and seriously curb fundamental rights. Martial Law Regulations 4, 5, 13, 18 and 33 have often been used by the government to arrest and try political opponents for acts which Amnesty International believes are no more than the peaceful expression of the right to freedom of opinion, of conscience, of peaceful assembly and association. These are rights guaranteed in Articles 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights, and also proclaimed in the Universal Declaration of Human Rights and the Pakistan Constitution itself.

Since 1977 the powers of the military courts in Pakistan have been widely extended at the expense of the civilian judiciary. Military courts now have almost exclusive powers to try civilians, including political prisoners, for offences punishable under martial law and the penal code. Such trials are by their nature summary: the evidence need not be taken down in full, summary military courts do not allow the right to defence by a lawyer, and courts are composed of military judges who are not members of the Bar. They are career army officers and cannot be considered independent judges within the meaning of Article 10 of the Universal Declaration of Human Rights. Military courts pass sentences on political prisoners without having to give a reasoned judgment and convicted prisoners are denied any appeal to a court of law. Some trials have been held in camera, inside prison. (See Chapters 5 and 6.)

Amnesty International reiterates its belief that political prisoners who are civilians should be tried before the ordinary courts of law, in the open, by an independent judiciary, and with the protection of full legal safeguards to ensure a fair trial. Article 14 of the International Covenant on Civil and Political Rights and Article 10 of the Universal Declaration of Human Rights lay down internationally accepted standards. Current practice in Pakistan falls far short of these international human rights standards (see Chapter 5).

- 4. a) Amnesty International recommends that the government review martial law legislation which inhibits the peaceful exercise of fundamental rights. It recommends that the government introduce legislation to revoke such martial law provisions, including Martial Law Regulations 4, 5, 13, 18 and 33 and other provisions listed in this report which curb the fundamental rights of Pakistani citizens.
- b) Amnesty International also recommends that measures be taken to end the practice of trying political prisoners before military courts, and to guarantee internationally agreed legal safeguards to ensure a fair and open trial by an independent court to all political prisoners in Pakistan; including access to a chosen lawyer at all stages, and the right to appeal to a higher independent tribunal.

Torture and cruel, inhuman or degrading treatment

Amnesty International has described allegations of torture and ill-treatment under previous administrations in its earlier reports. In the last three years Amnesty International has received reports of torture citing both the police and, with increasing frequency, the army. Serious complaints have come from all over Pakistan. They include allegations that prisoners have been beaten on the soles of the feet and other parts of the body for long periods, that prisoners have been hung upside down, burned with cigarettes, given electric shocks, suffered sensory deprivation and been threatened with execution. (See Chapter 6.) Both the Pakistani and the international press have reported such instances. Amnesty International has itself examined several prisoners released during the last three years who alleged that they were tortured, and gave detailed descriptions of their treatment. It has also received documented evidence, in the form of signed statements, containing allegations of torture which are consistent and which are the more authoritative as the prisoners concerned were held in incommunicado detention. In Amnesty International's experience ill-treatment and torture are facilitated when political prisoners are held incommunicado. In recent years, the torture of women political prisoners has been reported for the first time. At least 10 prisoners died in custody between January 1980 and August 1981, allegedly as a result of torture; three were political prisoners.

Amnesty International concludes that there is evidence that torture is practised systematically in Pakistan.

Torture is prohibited in Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights. Article 3 of the UN Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contains an absolute prohibition of torture: "Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment". Torture is also prohibited in Article

14(7) of the Pakistan Constitution, and in Islamic human rights declarations.⁴

the government take effective steps in line with international human rights standards to abolish torture and other forms of cruel, inhuman or degrading treatment or punishment and to prevent its occurrence; the government should undertake full and impartial investigations into the allegations of torture mentioned in Chapter 6 of this report; if it is established that torture has taken place, the government should take appropriate measures in line with Article 10 of the UN declaration against torture to establish criminal responsibility.

Amnesty International urges the government to consider implementing measures to prevent torture which it outlined in 1976 to the previous government, and which have not yet been acted upon:

"That the government make legal provisions for any person who has been arrested to be permitted immediate access to a lawyer, that members of the family should be notified of the arrest and should be allowed access to the prisoner within 48 hours of the arrest, and that visits should continue, regularly throughout the detention period. We would also recommend that impartial investigation procedures be instituted to deal with complaints of police excesses and allegations of ill-treatment. In order to ensure its independence, the investigating body should be composed of High Court judges."

b) Amnesty International recommends that the government institute immediately a full and impartial investigation into all allegations of death in government custody as a result of torture mentioned in this report, publish the findings of these investigations in full, and ensure that relatives and their lawyers are allowed access to post mortem examinations in all cases.

Floggings, Amputations and Stoning to Death

Under martial law any political activity may be punished by flogging. People have also been

flogged under the penal code and under Islamic law. This report lists 192 political prisoners sentenced by military courts since July 1977 to flogging merely for participating in ordinary political activities; in the first six months of 1981 at least 30 people were sentenced to be flogged for political offences. Among those sentenced to flogging were two women, a 15-year-old boy and a prisoner who had just been discharged from hospital.

Amputation and stoning to death have been imposed as punishments under Islamic law, but Amnesty International does not know of either of these punishments being carried out. The Federal Shari'a Court, the highest Islamic court in Pakistan, has ruled that the punishment of stoning to death, as introduced under a 1979 presidential ordinance, is "repugnant to the injunctions of Islam"

Amnesty International is particularly concerned about the use of flogging to punish political dissent. Amnesty International considers flogging, amputation and stoning to death to be forms of "cruel, inhuman or degrading punishment" as prohibited in Article 5 of the Universal Declaration of Human Rights and Article 3 of the UN declaration against torture.

6) Amnesty International recommends that the government abolish immediately the punishments of flogging, amputation and stoning to death.

Death Penalty

The death penalty is imposed in Pakistan for an increasingly wide range of offences under the Pakistan Penal Code, martial law regulations, and Islamic law, and can be used to punish several offences which are not crimes against the person. Hundreds of civilians have been executed each year by hanging, many sentenced by military courts. Official statistics and unofficial sources confirm a sharp increase in the number of

4 For example The Universal Islamic Declaration of Human Rights, based on the Quran, was proclaimed on 19 September 1981 at the international conference on human rights and Islam convened by the Islamic Council of Europe at UNESCO (United Nations Educational, Scientific and Cultural Organization) in Paris. Article 7 proclaims: "No person shall be subjected to torture in mind or body, or degraded, or threatened with injury either to himself or to anyone related to or held dear by him, or forcibly made to confess to the commission of a crime, or forced to consent to any act which is injurious to his interests".

executions since the present government assumed office. On 1 March 1979 President Ziaul-Haq reportedly said that "nearly 400 people have been hanged in Pakistan during the last 18 months". In late 1981, 1,250 prisoners were held under sentence of death in the Punjab alone. According to reports compiled from the Pakistan press, half the death sentences passed in 1981 were imposed on civilians by military courts. using summary procedures with no provision for appeal. All petitions for clemency have been turned down by President Zia-ul-Haq, and among those recently executed were two political prisoners, and one young man only 18 years old. They were executed shortly after the promulgation of the March 1981 Provisional Constitution Order, which declared void High Court orders staying the executions.

Amnesty International considers the death penalty to be "cruel, inhuman and degrading punishment" as defined in Article 5 of the Universal Declaration of Human Rights and a violation of the right to life guaranteed in Article

3 of the same declaration.

The UN General Assembly has affirmed that "the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing the punishment" (UN General Assembly Resolution 32/61 of 8 December 1977).

Deeply concerned about the wide and growing use of the death penalty in Pakistan,

7. Amnesty International calls upon the government to halt all executions with a view to abolishing the death penalty in Pakistan. Amnesty International urges the government to provide immediately the necessary minimum legal safeguards recognized in international human rights law to ensure a fair trial to all people charged with capital offences and to restore at once the full powers of judicial review to Pakistan's judiciary so as to prevent possible miscarriages of justice.

1947 to 1977

When the Islamic Republic of Pakistan was created in 1947, the Muslim League (founded in 1906) was the only political party of the Muslims of the subcontinent: its main platform was the demand for an independent Muslim state. Having achieved this in 1947, opposition to the league's policies was easily identified with opposition to the state, particularly when voiced by political groups which had not advocated a separate Muslim state. Successive Pakistani governments have tended to equate opposition to their policies with opposition to the state as such, labelling it "anti-state activity".

Democratic political structures were slow to evolve in the new state: it was not until 1973 that Pakistan acquired its first democratic constitution framed by a directly elected assembly. The development of political parties and structures was inhibited by repeated and prolonged periods of military rule: since the creation of Pakistan, martial law has been imposed six times. Under martial law political parties were often banned and strict censorship enforced. When martial law was lifted, political parties were in most cases allowed to resume activities but only under considerable restrictions. Leaders and members of Pakistan's political parties have frequently and repeatedly been harassed and imprisoned usually being detained without trial or tried by special tribunals or military courts — merely for voicing political opinions different from those of the administration in power.

The first constitution of 1956 incorporated several Islamic provisions and established a parliamentary system of government. However it was short-lived, being abrogated on 27 October 1958 when martial law was declared by General (later Field Marshal and President) Mohammad Ayub Khan. The cabinet was dissolved and all political parties and political activity banned. Martial law remained in force until 8 June 1962.

Shortly before, in March 1962, the second constitution was promulgated providing for a presidential form of government under a system of "Basic Democracies". Political power was heavily concentrated in the central executive and although political parties were allowed to function, their activities were severely restricted.

Civil disturbances led by students and Islamic religious forces marked the 10th anniversary of Field Marshal Ayub Khan's rule and on 25 March 1969 he handed over power to General A. M. Yahya Khan. Martial law was again proclaimed, but the government announced that it would hold general elections at an early date. The military defeat of the Pakistani armed forces in East Pakistan in December 1971 and the establishment of Bangladesh brought the end of Yahya Khan's military administration and Zulfikar Ali Bhutto became the President (later Prime Minister) of Pakistan on 20 December 1971

The 1973 Constitution

Under the civil administration of Zulfikar Ali Bhutto, leading a PPP government, Pakistan acquired its first democratic constitution drafted by a directly elected general assembly based on universal suffrage. Like its precursors, the Constitution of the Islamic Republic of Pakistan of 1973 proclaims Islam as the state religion (Article 2). It provides for an Islamic Council whose main function is to encourage Muslims to order

their lives in accordance with the principles and concepts of Islam (part IX, Articles 227-231). It establishes a federal parliamentary system of government with four units but with a strong central government and two houses of parliament (parts III-V, Articles 41-159). It also provides for an independent judiciary (part III, Articles 175-212). The fundamental rights guaranteed by the constitution are set out in part II, Articles 8-28. They include freedom of movement, assembly, association and speech, safeguards against unlawful arrest and detention, and prohibit torture.

In November 1971, before the constitution was adopted, a state of emergency had been declared at the start of the Bangladesh war. It was in force when the new constitution was proclaimed, and remained in force during the entire PPP administration. The continuation of the state of emergency severely limited the extent to which fundamental rights could be guaranteed.

Article 232 of the constitution allows fundamental rights to be suspended during periods of emergency, and High Court decisions during the emergency illustrate that basic rights could only be protected to a limited extent. The Defence of Pakistan Rules – framed under the 1971 Defence of Pakistan Ordinance – remained in force, and allowed detention without trial, and the trial of prisoners before special tribunals and special courts applying summary procedures. Its provisions were frequently used against political opponents of the previous government.

In its report published in May 1977 Amnesty International described the curbs on fundamental rights then in force. A series of constitutional amendments (in particular the 1975 Fourth and 1976 Fifth Amendments to the constitution) restricted the powers of the higher judiciary to protect the fundamental rights proclaimed in the 1973 constitution. These amendments also reduced the safeguards against interference with the independence of the judiciary. Amnesty International observed that "the continuation of the state of emergency has largely been responsible for a serious erosion of fundamental freedoms in Pakistan, which has hindered the judiciary and the Bar from upholding the rule of law". 2

The main opposition to the PPP government came from the National Awami Party (NAP)

whose political base was in Pakistan's two western-most provinces, Baluchistan and North West Frontier Province. The party's political program called for a greater degree of provincial autonomy. In 1973 the Baluchistan provincial government, led by the NAP, was dismissed. There followed armed rebellion in the two western provinces and the federal government banned the NAP in 1975. An Amnesty International observer attended the trial of 55 NAP leaders before a special court inside Hyderabad Central Jail; Amnesty International's critical observations of that trial are contained in the 1977 report. In 1975 the National Democratic Party was formed, claiming the political allegiance of the former leadership of the banned NAP.

In March 1977 general elections were held and the PPP was returned to power. However there were widespread allegations that the elections had been rigged. The Pakistan National Alliance (PNA), an alliance of nine opposition parties formed before the elections, demanded that Prime Minister Zulfikar Ali Bhutto resign until fresh elections were held. The alliance's demands were accompanied by widespread civil disobedience and many political arrests. Martial law was again invoked in April 1977 when it was imposed on several large cities, and was lifted in June 1977.

On 5 July 1977 the Prime Minister was deposed in a military coup and General Mohammed Zia-ul-Haq took power as the Chief Martial Law Administrator.

After July 1977

The military administration dismissed the cabinet and disbanded the national and provincial assemblies and the Senate. All political activity was banned and martial law was imposed all over the country; it is still in force today. The 1973 constitution was officially declared to be "in abeyance". Under the Laws (Continuance in Force) Order, 1977, the constitution was declared to be subject to the martial law orders and regulations issued by the military authorities; the fundamental rights conferred by the constitution were suspended, as well as any court proceedings to

^{1 1953;} imposed by the federal government.

^{... 1958-1962;} imposed by President Iskander Mirza and General (later President) Mohammad Ayub Khan.

^{- 1969:} imposed by General A. M. Yahya Khan deposing President Ayub Khan.

 ^{1971-1972:} the 1969 martial law administration, continuing under the government of Prime Minister Zulfikar Ali Bhutto.
 April 1977: local martial law was imposed in several large cities

by Prime Minister Bhutto under Article 245 of the 1973 constitution.

- July 1977: general martial law imposed by the Chief of the Army Staff, General (now President) Muhammad Zia-ul-Haq.

² An Amnesty International Report including the Findings of a Mission to Pakistan, 23 April 12 May 1976, published May 1977, page 16.

enforce respect for them.

In his 5 July 1977 address to the nation General Zia-ul-Haq stated:

"My sole aim is to organize free and fair elections which would be held in October this year [1977]... I give a solemn assurance that I will not deviate from this schedule... I hold the judiciary of the country in high esteem... However... if and when Martial Law Orders and Martial Law Regulations are issued, they would not be challenged in any Court of Law

The new government released thousands of political prisoners arrested under the previous administration including the NAP leaders who had been on trial since 1975. In the following months the government also released PPP leaders detained immediately after the military administration took power. It allowed limited political activity and on 15 September 1977 the state of emergency, which had been in force since 1971, was lifted. On 27 September 1977 Aga Shahi, head of the Pakistan delegation to the United Nations, informed the UN General Assembly of the government's firm resolve to transfer power to elected representatives of the people after the October elections.

However the government postponed the elections. It stated that former public officials — mainly from the PPP — should first be subjected to the "process of accountability". Charges were brought against many PPP officials, including former Prime Minister Zulfikar Ali Bhutto, who was tried for conspiracy to murder. He was sentenced to death by the Lahore High Court after a highly controversial trial that aroused much international concern. His conviction was upheld by a four to three majority verdict in the Supreme Court, and he was executed in April 1979. Many PPP members and sympathizers were arrested at the time.

On 10 February 1979 General Zia-ul-Haq, who had become President of Pakistan in September 1978 upon the resignation of President Fazal Elahi Chaudhry, announced the introduction of an "Islamic system". This included a wealth tax (Zakat) and an agricultural tax (Ushr), and the promulgation of a set of severe penalties in accordance with the Shari'a (Islamic law). Offences such as adultery and fornication were to be punished by stoning to death,

theft and robbery by amputation of a hand and foot, and drinking alcohol by flogging.

Shari'a courts have been established at the provincial and the federal level, and three parallel systems of law now operate, with Shari'a benches functioning alongside military and traditional civil courts.



Begum Nusrat Bhutto, wife of the executed former Prime Minister Zulfikar Ali Bhutto.

President Zia-ul-Haq also announced farreaching changes to the 1962 Political Parties Act, changes which were opposed by all political parties. The Electoral Commission was empowered to refuse registration of any party it considered to be critical of the military or of the judiciary or not based on the ideology of Pakistan. Most political parties refused to register.

On 16 October 1979 President Zia-ul-Haq announced the indefinite postponement of the elections. All political parties were dissolved and all political activity banned. Party offices were sealed and bank accounts frozen. Total censorship was imposed and newspapers which the government said had been "working against the interest of the country and poisoning the minds of the people" were closed down. Further martial law provisions were promulgated and the powers of the military courts to try economic, criminal and political cases extended. The constitution was amended to prevent the judiciary from staying, reviewing or annulling or in any other way interfering with the proceedings of military courts, which were then trying many opponents of the government and sentencing them to imprisonment and flogging.

These constitutional and legal developments were accompanied by renewed political arrests. Their number has increased sharply since the beginning of 1981.

The erosion of fundamental rights

On 5 July 1977, when the military administration took over and declared martial law, The Laws (Continuance in Force) Order stated that the constitution would be held "in abeyance". The fundamental rights conferred in the constitution were suspended. Among the rights suspended were: the right to life; freedom from torture; the freedom of thought, conscience and religion; and the right not to be subjected to retroactive laws. These rights are guaranteed in Articles 9, 14, 20 and 12 of the Pakistan Constitution and are rights which the International Covenant on Civil and Political Rights defines as fundamental freedoms from which no state may derogate, even in times of a "public emergency threatening the life of the nation" (Article 4).

The legality of martial law

The legality of the imposition of martial law was challenged before the Supreme Court by Begum Nusrat Bhutto, the wife of the late Prime Minister Zulfikar Ali Bhutto. The Supreme Court of Pakistan, in a judgment of 10 November 1977, ruled that the July 1977 imposition of martial law was legal, calling it an "extra-constitutional step necessitated by the complete breakdown and erosion of the constitution and moral authority of the Government of Mr Z. A. Bhutto". However the Supreme Court upheld the legality of the military government only within certain conditions. Applying the doctrine of the "law of necessity" to the July 1977 bloodless coup it set strict limits on the actions the martial law authorities could legally take. Its authority to act and promulgate legislative measures was restricted to:

"All such measures as would establish or lead to the establishment of the declared objectives of the proclamation of Martial Law, namely, restoration of law and order and normalcy in the country, and the earliest possible holding of free and fair elections for the purpose of

restoration of democratic institutions under the 1973 Constitution."

The Supreme Court emphasized that:

"the new Legal Order is only for a temporary period, and for a specific purpose ... the Court has found it possible to validate the extraconstitutional action of the Chief Martial Law Administrator . . . also because of the solemn pledge given by him that the period of constitutional deviation shall be of as short a duration as possible, and that during this period all his energies shall be directed towards creating conditions conducive to the holding of free and fair elections . . ."

The Supreme Court judgment set further conditions on the legality of the martial law government. It specified that the constitution remained the supreme law of the land and that the supervisory powers of the High Courts, including their power to issue writs of habeas corpus, could not be taken away. The courts would continue to have full powers to review the actions of the martial law authorities and the military courts. The Supreme Court observed:

"That the superior courts continue to have the power of judicial review to judge the validity of any act or action of the Martial Law authorities, if challenged, in the light of the principles underlying the law of necessity as stated above. Their powers under Article 199 of the Constitution¹ thus remain available to their full extent, and may be exercised as heretofore, notwithstanding anything to the contrary contained in any Martial Law Regulation or Order, Presidential Order and Ordinance." (Pakistan Legal Decisions 1977, SC 705).

I Article 199, as then unamended, granted the High Courts jurisdiction to issue writs of mandamus and injunctions to government officials, to issue writs of habeas corpus and to take all other appropriate actions to enforce respect for the fundamental rights guaranteed in the Pakistan Constitution.

Invoking these provisions, the High Courts frequently quashed detention orders and convictions of political prisoners. They stayed floggings, executions and other sentences passed by military courts when they ruled that due regard had not been paid to the rule of law and the fundamental rights guaranteed by the constitution.

The November 1977 Supreme Court decision which defined and limited the legal validity of the military administration has been consistently ignored by the government. Four years after the imposition of martial law elections have been postponed several times and have now been postponed indefinitely. The directives in the Supreme Court judgment have in effect been nullified by a series of constitutional amendments and martial law provisions passed during the last four years. Described below, they culminated in the 24 March 1981 Provisional Constitution Order which marks a major departure trom the rule of law.

As a result of the March 1981 amendment to the constitution, no civilian court can review any action taken by the military courts or indeed review the actions and legality of the martial law administration itself. This applies even to the High Courts and Supreme Court. Respect for fundamental rights can no longer be enforced in Pakistan and the 1973 constitution has been effectively abolished. The President has assumed the power to change the constitution at will. The independence of the judiciary — whose judges in the higher courts have an impressive record of protecting fundamental rights and preventing major human rights abuses — has virtually ended.

Constitutional Amendments since **July 1977**

Since July 1977 the following constitutional amendments have been passed, which have curtailed the powers of the higher judiciary to enforce and protect human rights in Pakistan.

On 16 October 1979 the President issued the Constitution (Second Amendment) Order 1979, declared political parties illegal and arrested many political leaders. The amendment added Article 212-A to the constitution. Article 212

permits the creation of administrative tribunals exempt from the normal process of judicial review in narrowly defined areas of civil law. The new Article 212-A greatly extended the scope of Article 212, establishing military tribunals for the trial of offences under martial law "or any other law, including a special law". The amendment allowed cases to be transferred from ordinary courts to military tribunals. The civilian courts, including the courts of appeal, could no longer hear appeals against verdicts of the military courts. The order declared the verdicts of military courts final.

The amendment seriously curtailed the jurisdiction of the higher courts. Martial law legislation passed in the wake of the amendment (Martial Law Order 72) extended the military courts' jurisdiction at the expense of the civilian judiciary and allowed military courts to try a wide range of civil and criminal offences including offences under the penal code. In the months following the 1979 constitutional amendment more than one hundred military courts were established throughout the country. They started trying civilians, including political prisoners, using only summary procedures. Hundreds of people were sentenced to imprisonment and flogging merely for participating in normal political activities, banned under martial law.

Presidential Order No. 1 of 1980, promulgated on 27 May 1980, amended Article 199 of the constitution. It restricted the "writ jurisdiction" of the High Courts, and barred them from making "an order relating to the validity or effect of any Martial Law Regulation or any Martial Law Order . . . or anything done, or action taken, or intended to be done or taken, thereunder". The order also prohibited the High Courts from reviewing the judgments or sentences passed by military courts or tribunals, or from taking action against anyone acting with the authority of the martial law administrators.

The order stated that the higher courts' jurisdiction had been removed retroactively, and it then declared the 1977 military takeover to be legal, as well as all subsequent orders issued by the military authorities. These included presidential orders, chief martial law administration orders and martial law orders and regulations. This constitutional amendment was passed just as the Punjab High Court was about to give judgment on a petition on behalf of retired Air

Marshal Asghar Khan, the leader of the centrist dependence of the judiciary and proscribes all political party, the Tehrik-i-Istiqlal, challenging the legality of the martial law administration and of the 1979 constitutional amendment. The petition argued that the military government was bound to hold elections within 90 days, and that the government's actions restricting basic human rights and freedoms were not legal.

The purpose of the May 1980 constitutional amendment was to deprive the higher judiciary of its powers to review the decisions of military courts, the legality of martial law, or the legality of provisions issued by the authorities. The High Courts could no longer give any form of relief, for example by granting bail, or hear appeals from political prisoners unjustly detained or convicted by military courts. Despite the amendments some High Courts — notably the Punjab and Baluchistan High Courts — continued to do so under the powers given to them in Article 199 of the constitution.

Martial Law Order 77, replacing Martial Law Order 72 which was promulgated at the same time, further extended the jurisdiction of the military courts at the expense of civilian courts. Military courts were given exclusive jurisdiction over cases of "treason, subversion, sedition, sabotage, prejudicial activity and . . . seducing members of the armed forces". They were also empowered to try any "contravention of any Martial Law Order or Martial Law Regulation", and all offences under the Pakistan Penal Code.

The Provisional Constitution Order 1981

On 24 March 1981 President Zia-ul-Haq promulgated the Provisional Constitution Order 1981 (PCO), which claims to validate everything done by the military government since 1977 (Article 15 (1) and (2)). This order abrogates the fundamental provisions of Pakistan's 1973 Constitution by presidential decree. Only the provisions reiterated in the PCO are retained; the section defining the powers of the federal government is included, but the parts concerning elections, the provincial and federal parliaments and the constitution's fundamental rights provisions are excluded. Under Article 16 the President has assumed the power to amend the constitution at will. The PCO ends the in-

major political parties. It prohibits any challenge in any court to anything done by the martial law government, or to any sentence passed by a military court or tribunal.

The PCO voids the Supreme Court ruling of 10 November 1977, which had conditionally validated the martial law government but restricted its mandate. It came at a time when the Supreme Court was about to hear petitions challenging the legality of the military government and declared null and void all court decisions dealing with the legality of the martial law government or decisions taken by military tribunals. Orders and injunctions made by the Supreme and High Courts relating to decisions of military courts were suspended (Article 15



Judges of the Baluchistan High Court

Notable among these were decisions by the Baluchistan High Court staying the executions of death sentences passed by special military courts. On 2 July 1980 it ruled that the High Courts could still decide cases challenging decisions of military courts: "We would therefore hold that this court has always the power to examine the question whether this court has lost jurisdiction after the promulgation of Presidential Order No. 21 of 1979, and Presidential Order No. 1 of 1980, including the validity of the instruments through which such amendments were brought about". It then declared the two latest constitutional amendments to Articles 212 and 199 (passed on 16 October 1979 and 27 May 1980 respectively) to be illegal. It described them as "drastic and fundamental" and outside the mandate of the military government, ruling that they failed to pass the test of necessity laid down in the Supreme Court's 1977 judgment. The court held that the High Courts had retained the

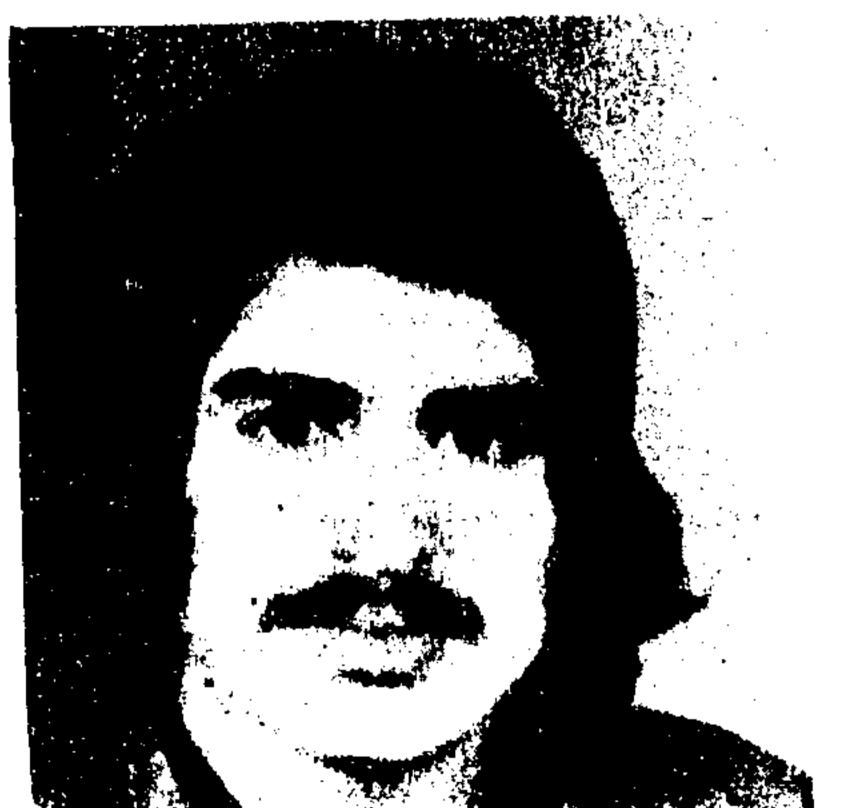
powers of judicial review originally granted in the constitution, despite the constitutional amendments passed by the government to the contrary. It therefore continued to issue orders staying the execution of prisoners.

The PCO has finally removed these powers. The judiciary can no longer quash detention orders of political prisoners under Martial Law Order 78 by ruling them illegal. It can no longer set aside summary convictions imposed by military courts on political prisoners, or stay floggings and executions as it had previously, usually on the grounds that military courts did not provide adequate legal safeguards to ensure a fair trial.

Since the passing of the PCO Amnesty International has been told by many former political prisoners who have fled the country, and relatives of political prisoners, that they fear for the prisoners' safety, as they no longer have recourse to the courts. Lawyers - who have been active in the defence of human rights of political prisoners in Pakistan – are no longer able to give them any professional help. They have advised relatives that there is no point in approaching the courts. This letter, received by Amnesty International in June 1981, is one of many: "My brother has consulted several lawyers of the High Court concerning filing a writ in the High Court but was told that the recent consititutional changes prohibit such a legal remedy."

The effect of the PCO was immediate. It led to the execution of two political prisoners.

Abdul Hameed Baluch, a 21-year-old student leader from Baluchistan, had been con-



Abdul Hameed Baluch

victed of murdering a recruiting agent by a special military court and sentenced to death.

The Baluchistan High Court had granted an order on 8 December 1980 staying his execution, because of grave irregularities in his trial and conviction. The name of the man he was charged with murdering was twice changed during the trial when the alleged victim proved to be alive. As a result of the PCO (which also prompted the removal of Baluchistan's Chief Justice Mir Khuda Baksh Marri), the High Court's order staying his execution was suspended and Abdul Hameed Baluch was executed in Mach Jail, near Quetta, on 11 June 1981.

The Judiciary

The 1973 constitution adheres to the principle of an independent judiciary. Both the judiciary and the legal profession have played an important and active role in protecting the rule of law and fundamental rights in Pakistan. They have resisted attempts by successive governments to restrict their independence and curb their powers to protect citizens from human rights violations. A High Court judge wrote in December 1977 to Amnesty International members informing them of the release of a prisoner of conscience. Declaring the prisoner's conviction by a special court to be illegal, he wrote: "You will be glad to know that superior courts in Pakistan have always been fully conscious of the importance of human rights and we have always done our humble best within the limitations of law to uphold civil liberty". The judge expressed his "deep concern for the independence of the judiciary and for human rights".

In its 1977 report Amnesty International described the constraints on the powers and independence of the judiciary imposed by the previous administration, particularly under the Fifth Amendment to the Constitution of September 1976. The constitutional changes made by the previous administration restricted the power of the judiciary to review executive actions during periods of emergency, even where the actions infringed human rights. This trend continued after the July 1977 imposition of martial law.

The Constitution (Second Amendment) Order 1979 established a system of military courts parallel to the civilian judicial system to try offences under martial law and the penal code. Presidential Order No. 1 of 1980 further extended the jurisdiction of military tribunals at the expense of the civilian courts, and barred the higher courts from reviewing the actions of the military courts and administration. High Court judges who continued to pass judgments criticizing the military courts or the martial law administration were frequently harassed: for example, 10 days after the Baluchistan High Court's judgment declaring the government's constitutional amendments illegal each judge was served with a notice alleging irregularities in his income tax forms. (International Commission of Jurists, CIJL Bulletin, No. 6, October 1980.)

The PCO of 24 March 1981 has ended any judicial scrutiny of executive action. It marks the virtual end of the independence of Pakistan's judiciary: to ensure the judiciary's submission the government required the judges of the Supreme Court and the High Courts to take an oath to uphold the PCO, rather than the constitution. Article 17 of the PCO states:

"A person holding office as Chief Justice of the Supreme Court... shall not continue to hold that office if he is not given, or does not make an oath in the form set out in the Schedule... A person who has made [an] oath as required... shall be bound by the provisions of this Order and, notwithstanding the judgment of any court, shall not call in question or permit to be called in question the validity of any of the said provisions".

The oath, which all Supreme and High Court judges were required to swear on 25 March 1981, reads:

"That as Chief Justice of Pakistan (or a Judge of the Supreme Court of Pakistan or Chief Justice or a Judge of the High Court for the province of) I will discharge my duties, and perform my functions honestly, to the best of my ability and faithfully in accordance with the Provisional Constitution Order, 1981, and the law.

That I will abide by the Provisional Constitution Order, 1981..."

try offences under martial law and the penal code. Presidential Order No. 1 of 1980 further extended the jurisdiction of military tribunals at the expense of the civilian courts, and barred the higher courts from reviewing the actions of the higher Courts from reviewing the actions of the Supreme Court judges.

By requiring this oath, which bars judges from scrutinizing the actions of the military authorities or the military courts, the government assured itself of the loyalty of the High Court and Supreme Court judges.

The Chief Justice of Pakistan, Anwarul Haq, and two other Supreme Court judges, Justice Dorab Patel and Justice Fakhruddin Ibrahim, resigned, refusing to endorse the validity of the PCO. They wrote separately to the President that they were bound by the dictates of their conscience. The Chief Justice said: "Any Judge supporting the decree (ie the Provisional Constitution Order) is bound to protect the government and deny citizens a legal remedy for their grievances". Sixteen High Court judges reportedly did not swear the oath. Among them were at least five High Court judges who were not invited to take the new oath. Some of these had allowed petitions challenging the legality of actions of the military government, among them Chief Justice Marri of the Baluchistan High Court, who was responsible for several decisions staying the execution of sentences imposed by special military courts.

By not allowing these five judges to take the oath, the government has removed them from office. It has bypassed the Supreme Judicial Council, an independent constitutional body consisting of the Chief Justice, the two most senior judges of the Supreme Court and the Chief Justices of the provincial High Courts, which provided security of tenure to the Pakistan judiciary. Judges could only be removed by the Supreme Judicial Council for misconduct, under the procedure laid down in Article 209(7) of the constitution which states: "A judge of the Supreme Court or of a High Court shall not be removed from office except as provided by this Article". Since the government has now assumed powers to remove judges under the PCO, the independence of Pakistan's judiciary has effectively ended.

Introducing the PCO, the President was quoted as saying: "A judiciary's job is to interpret the law and administer justice, not to challenge the administration" (Far Eastern Economic Review, 3 April 1981).

Political imprisonment

It is difficult to give a precise estimate of the number of political prisoners held at any one time because the pattern of political imprisonment in Pakistan is one of arrest, imprisonment, release and rearrest. Imprisonment may last from a few weeks to several years. Amnesty International considers most political prisoners to be prisoners of conscience: prisoners who have not been involved in violence but are held for taking part in peaceful political activity, for expressing a political opinion, or for other reasons of conscience.

Political prisoners arrested in large-scale operations have generally been released after a few weeks or months. However they have often been harassed or rearrested after their release, under martial law provisions allowing detention without trial and prohibiting all political activity. Mohammed Amin Bhatti, 31 years old, is the Chairman of the Pakistan Engineering Company (PECO) Workers Union in Lahore. He has been imprisoned three times and flogged twice for trade union and political activities. He was first arrested in March 1978 for organizing a demon-

Habib Jalib, a popular poet from Lahore, has been adopted as a prisoner of conscience by Amnesty International many times. Under the administration of Ayub Khan he was arrested three times for writing poetry; once after writing about the killing of Bengalis in



Habib Jalib

the East and on another occasion for writing a famous poem about his refusal to accept Ayub Khan's constitution. He became a

member of the National Awami Party and was arrested in April 1976 when the trial of the NAP leadership started in Hyderabad Central Jail. At the time, the charge read: "You, Habib Jalib, son of Inayatullah, (i) were a member of the Central (Working) Committee of the National Awami Party since 1977, (ii) participated in the Resolutions passed on 13th to 15th April 1974, at Islamabad, in which the saboteurs in Baluchistan were lauded as 'Valiant Fighters'."

He remained in prison until his release in January 1978 and no progress was made in his trial. Following the dissolution of the NAP, he became Chairman of the small leftwing Pakistan Proletarian Party and in 1978 he became one of the leaders of the left-wing Awami Jamhoori Etahad, People's Democratic Alliance, which called for elections and democratic reforms. Under the new administration he has been arrested twice: once in 1980 and again in March 1981. He was held without trial or charge and released on 15th August on Independence Day. He is married and has six children. His family is poor and had no financial support while he was in priso

stration against the death sentence passed on Zulfikar Ali Bhutto, and sentenced to one year's imprisonment and 15 lashes. Rearrested on 4 April 1979 for similar reasons, he was again flogged and imprisoned. He was released after a year but rearrested on 14 June 1980, this time accused of "publishing and distributing objectionable literature" under Martial Law Regulations 13 and 33. By April 1981 he was still in Camp Jail, Lahore, waiting for his case to be heard by the summary military court. Amnesty International received a report that he was tortured while being interrogated in Lahore Fort, but has not been able to verify this. A habeas corpus petition filed on his behalf in the Lahore High Court was dismissed. Amnesty International has adopted him as a prisoner of conscience.

Scope

Amnesty International estimates that during the last four years the number of political prisoners held at any one time was between several hundred and several thousand. Although fluctuating, the numbers are large: in March 1981 alone 6,000 political prisoners were reported arrested. Although many have since been released, others remain in prison and several new arrests have since been reported.

Amnesty International knows of no recent government statistics on political prisoners. When the government was asked to respond to Amnesty International's open letter to President Zia-ul-Haq of 26 September 1980, which stated that at least several hundred political prisoners had been arrested during the year, the government maintained that "there were only two political detainees" (Dawn, Karachi, 7 November 1980). A Reuters report of 3 July 1981 quoted foreign diplomats as putting the number of political prisoners at "between 1,500 and 2,000". It reported the Pakistan Government as saying "there are no political prisoners in its jails".

Political prisoners who have been arrested since the July 1977 declaration of martial law belong to all political parties, including Pakistan's main opposition party the Pakistan People's Party (PPP), the centrist *Tehrik-i-Istiqlal*, the Pakistan Democratic Party, the National Progressive Party, the Mazdoor Kissan Party (Peasants

and Workers Party), the pro-Islamic Jamiat Ulema Islam and the traditionalist Muslim League. No sector of society has been immune: former members of the National and Provincial Assemblies, party leaders, party workers, lawyers, students, journalists, trade union officials, doctors, teachers and others have all been arrested. Most have been detained for belonging to a political party, making a political speech, attending a party meeting or demonstration, possessing political literature, printing party membership cards, or for merely demanding the lifting of martial law and the restoration of fundamental rights: all normal political activities which are proscribed under martial law.

Amnesty International believes such acts are no more than the peaceful exercise of the rights of freedom of expression or association, as proclaimed in Articles 19 and 20 of the Universal Declaration of Human Rights and as guaranteed in Articles 17 and 19 of the Pakistan Constitution itself. In August 1981 Amnesty International had adopted 75 prisoners of conscience, but this is only a small proportion of the large number held in Pakistan. Many young and unknown political party workers or sympathizers have been arrested and tried under summary provisions of martial law in rural areas, without information reaching international organizations like Amnesty International. Details of their treatment rarely appear in the press; nor do these political prisoners or their relatives have access or financial means to approach the professional communities in Pakistan's bigger cities who defend political prisoners.

Arrests since July 1977

When the military government took over in July 1977, it released thousands of political prisoners who had been detained under the previous administration. During its January 1978 mission to Pakistan, Amnesty International was informed that the government had set free 11,109 political prisoners. Nearly all were prisoners held under the government of Zulfikar Ali Bhutto but some had been arrested in the month after the military coup. However Amnesty International noted renewed political arrests, mostly of PPP members

For example during 1978 a number of journalists went on hunger-strike to protest against

infringements of press freedom. After the closure of the pro-PPP newspaper, *Musawat*, (which closure the Lahore High Court ruled to have been illegal one year later), 150 journalists and press workers were arrested in May 1978. Three were flogged shortly afterwards in Lahore Jail on the orders of military courts.

The trial of Zulfikar Ali Bhutto in the Lahore High Court, his appeal to the Supreme Court, and his execution on 4 April 1979, were each marked by hundreds of arrests of PPP members and sympathizers. Many were prisoners of conscience who were sentenced by summary military courts to imprisonment and floggings merely for urging elemency for the former Prime Minister or for protesting against his execution.

Although many political prisoners were released in mid-1979, hundreds of members of various opposition parties were arrested after President Zia-ul-Haq's 16 October 1979 announcement which indefinitely postponed the elections scheduled for 17 November, prohibited all political activity, and banned all political parties. At least 300 political prisoners were arrested in the wake of the government's October 1979 announcement; they included for example the PPP leaders Begum Bhutto, Benazir Bhutto and party Secretary General Farooq Leghari, Air Marshal (Retired) Asghar Khan (the leader of the Tehrik-i-Istiqlal), Shah Ahmed Noorani, leader of the Jamiat Ulema Pakistan, and leaders of the Muslim League. The majority of party leaders were released during 1980 but some were rearrested, some political party workers remained in detention, and fresh arrests were reported.

Mohammed Ashraf Khattak, a 25-year-old medical student, and his 61-year-old father, Gul Janan Khattak, were arrested on 30 October 1979 and detained under Martial Law Order 12 for 90 days. Mohammed Ashraf Khattak, who reportedly supported the left-wing Sind National Students Federation, had just returned from studying at Jalalabad University in Afghanistan: his father had been a member of the banned National Awami Party. When 90 days had expired, their detention orders were renewed. This happened repeatedly. Both men were held in solitary confinement in Karachi Central Jail for many months. After 20 months in detention without trial they were charged on 15 July 1981 under Martial Law Regulation 18. On 19 August

1981 Summary Military Court 10, Karachi, sentenced Gul Janan Khattak to one year's imprisonment and a Rs3,000 (£172) fine, and





Mohammed Ashraf Khattak

Gul Janan Khattak

acquitted Mohammed Ashraf Khattak on a charge of: "Propagation of opinion and act[ing] in a manner prejudicial to the ideology of Pakistan and to the purpose for which martial law has been proclaimed in that they, in furtherance of their common object at Karachi from the month of November 1977 to October 1979 did indulge in propagating opinion and acting in a manner prejudicial to the ideology of Pakistan and to the purpose for which martial law has been proclaimed."

Shamim Wasti, the General Secretary of the Pakistan Workers Federation, was arrested at his union office in Garikhata, Hyderabad, on 17 October 1979 allegedly without charge or warrant. No reasons were given for his detention and for more than six months his lawyer, friends, and union colleagues were unable to establish his whereabouts. A petition challenging his detention was heard in the Sind High Court during March 1980, and the Advocate General of Sind is reported to have said he did not know where he was being held. No further news was forthcoming until 7 May 1981 when Dawn reported that he had been sentenced under Martial Law Regulation 13 for "delivering an objectionable speech against the Government" at Rohri Cement Factory and given seven months' imprisonment. He had been tried with another trade unionist, Pir Bux, by the summary military court of Sukkur. Amnesty International has adopted him as a prisoner of conscience.

Many journalists and writers have been arrested since 1977 for producing articles perceived by the government as critical. Successive governments have imposed varying degrees of press censorship ever since the Press and Publications Ordinance was promulgated in 1963

under General Ayub Khan, but it has been more rigidly imposed by the present military administration than before. Censorship was formally instituted under the 16 October 1979 Presidential Order banning political activity, and initially some newspapers appeared with blank spaces. Control over the press has remained strict, and in July 1981 Raja Zafarul Haq, the Law Minister, was reported to have said that so long as the ban on political activity continued, there could be no justification for removing censorship (*The Times*, London, 20 July 1981).

Salamat Ali is one of the many journalists detained. He was arrested on 13 November 1979 for writing an article in the Hong Kong based Far Eastern Economic Review, called: "Baluchistan: an upheaval is forecast". It appeared on 19 October and dealt with political unrest in Baluchistan. The article quoted descriptions by Baluchistan's tribal leaders of the political options open to them, their call for a "square table conference" of representatives of Pakistan's four provinces, and their demand for the right to conduct their own affairs "free from overriding central authority".



Salamat Ali, rejoining his family after four months in jail.

Salamat Ali was tried on 27 November 1979 by Summary Military Court 39 under Martial Law Regulations 4, 13 and 15, for "publishing literature likely to create hatred and disorder among the people and the provinces of Pakistan, creating hatred and disaffection against the martial law authorities and provoking the dismemberment of Pakistan". An artillery major acted as both prosecutor and judge. The prosecution chief witness, Colonel Abdur Rauf Khan, described

Ali's article as "a reasonable interpretation" of the situation in the province, but on 29 November 1979 Ali was found guilty and sentenced to one year's imprisonment with hard labour. After international protest against his trial and conviction he was released "on compassionate grounds" four months later.

The legal profession has spoken out against restrictions of fundamental rights under the present and previous governments. On 1 June 1980 lawyers called a one-day protest against the May 1980 constitutional changes restricting the powers of the civil courts to protect human rights. An estimated 4,000 lawyers from all over the country attended a meeting held by the All Pakistan Lawyers Convention in Lahore on 19 June 1980. The convention adopted resolutions calling for the withdrawal of amendments to Articles 212 and 199 of the constitution, and urged the government to end martial law, release political detainees and hold elections. During a subsequent procession, 84 lawyers were arrested. They were released shortly afterwards.

The resolutions were adopted by all four provincial Bar organizations and nine lawyers were arrested in Karachi during a peaceful demonstration on 21 August 1980 demanding an end to martial law and the restoration of civil rights. Teargas and batons were used to disperse the lawyers' procession. Thirty-one lawyers were later arrested in connection with organizing the demonstration. Some were released but the government announced that 12 — including Munir A. Malik, Nafis Siddiqui, Mahfooz Yar Khan, Hafiz Lakho and Shaikh Rafiq, held in Karachi Central Jail — would be tried by a summary military court under Martial Law Regulations 9, 13 and 33 for violating the ban on political activity. On 8 September 1980 the Governor of Sind stated that they could not be released "unless the dissident lawyers called off their current agitation against the military regime and gave an undertaking not to resort to any unlawful demonstrations or public meetings in future" (Agence France Presse, 8 September 1980). The lawyers were released on 30 September 1980, shortly before their trial was due to start.

Former Attorney General Yahya Bakhtiar, who was the late Prime Minister Zulfikar Ali Bhutto's defence counsel, was the only person in Pakistan to have been charged with election-rigging after the March 1977 election, in which

he was a PPP candidate. The trial began in June 1979 before a special court set up to hear this particular case. Important prosecution witnesses were heard in his absence. On 31 March 1981 the special court found him guilty and sentenced him to five years' imprisonment and a fine of 100,000 Rupees (£5,300). Hours after the verdict was announced he was arrested by the police, served with a detention order and taken to Quetta Jail. On 9 April 1981 he was beaten up in prison and "his wife was handed Mr Bakhtiar's blood-stained clothes from the gaol", (*The Guardian*, London, 13 April 1981). He was released on 29 May 1981.

Members of the Rawalpindi Municipal Labour Union went on strike from 12 to 27 August 1980 demanding improved wages and working conditions and proper equipment — including gas masks — for sewage and street cleaners. Five union members had died on 5 June 1980, one from gas poisoning while cleaning a manhole in the city, the other four while trying to rescue him. The strike was declared illegal and 18 union leaders arrested.

Inayat Masih, the General Secretary of the Rawalpindi Municipal Labour Union, who was one of those arrested, died in custody on 6 September 1980. On 2 October 1980, 12 others were sentenced by a summary military court in Islamabad to one year's imprisonment and 10 lashes under Martial Law Regulations 23 and 36 for "rowdyism using derogatory language against the administration". Among those sentenced to imprisonment and flogging were Khalid Masood and Mian Mohammed Salim, both sanitary inspectors of the Municipal Corporation, and Mohammad Azam, a municipal worker.

Amnesty International knows of many other trade union members belonging to the People's Labour Front, the United Union of Pakistan Railway, the Pakistan Broadcasting Union, and the Punjab Workers Front who have been arrested in recent years without warrant, tried by summary military court under Martial Law Regulations 13, 23, and 33, and sentenced to imprisonment and floggings. In nearly all cases they have been denied the right to a lawyer or to appeal.

1981

Political arrests increased dramatically from the

beginning of January 1981. During the first week of January between 45 and 50 alleged PPP supporters, mainly students and journalists, were arrested in Karachi.

Irshad Rao, the 34-year-old publisher of the pro-PPP Urdu weekly Al-Fatah, and formerly editor of the banned PPP paper Musawat, who had been public relations advisor to Zulfikar Ali Bhutto, was one of those held. He was arrested without warrant by the police on 1 January 1981 at his Karachi office. His home was raided, sealed and occupied for 15 days by the police, who denied his wife and two children access to the house. On 3 January the government announced that it had "uncovered a network in Karachi which was printing and disseminating subversive and anti-State literature".



Irshad Rao

He was held without trial for five months in police custody and reportedly spent the first two-and-a-half months in solitary confinement. Amnesty International has received allegations that he was ill-treated in various police stations, and had to be taken to Jinnah Hospital for neuro-surgical treatment. He was removed from the hospital, apparently against medical advice. In August 1981 he was transferred to Karachi Central Jail, reportedly serving a three month sentence for publishing "an unauthorized paper". Other charges are said to relate to the printing of

literature for the People's Students Federation, the pro-PPP student organization which had been preparing to celebrate the birthday of the late Zulfikar Ali Bhutto in January. On 30 September 1981 a summary military court in Karachi sentenced him to one year's imprisonment and 10 lashes of the whip for "printing objectionable literature and creating unrest among the masses and disaffection against the armed forces of Pakistan". In view of the allegations of ill-treatment, there is serious concern about his health. Amnesty International has adopted him as a prisoner of conscience, and those arrested with him: Wahab Siddiqi, Al Fatah's editor; Wahid Bashir, the assistant editor; and three other press workers: Mohammad Aslam, Zamin Shah and Naeem Arvi. In late 1981 they were reported to be still held in police stations in Karachi. Two calligraphers — Zamin Shah and Abdus Salim — were sentenced with Irshad Rao to one year's imprisonment and five lashes. The charges against the others are not known.

From the beginning of January 1981 student organizations protested against a university ordinance giving the government control over the appointment and transfer of university staff. Student protests against martial law, press censorship and the ban on political activity have increased during the year. University colleges were closed in Multan and Rawalpindi after violent incidents and students have been arrested in many centres for shouting slogans or taking part in meetings. Some students have been tried under martial law, others detained without trial, their detention orders being renewed every three months to well beyond the maximum 12 months allowed under Martial Law Orders 12 and 78.

Between 5 and 10 January 1981 some 30 rank and file PPP members were arrested in Lahore. According to press reports they were arrested on suspicion of passing "secrets" to "a foreign country", under the Pakistan Army Act. A number of those arrested were held in Attock Fort, near Peshawar, and in Lahore Fort, and have allegedly been tortured.

On 6 February 1981 the Movement for the Restoration of Democracy (MRD), a broad alliance of nine political parties, was formed. The movement brought together Pakistan's main opposition parties, including the PPP, the *Jamiat Ulema Islam* and the Muslim League, and was formed despite the ban on all political activity.

The movement issued a declaration demanding the immediate lifting of martial law and the resignation of President Zia-ul-Haq until a civilian government could be established to supervise elections. It met with a wide response, particularly among the student community. (Some of its members have since disassociated themselves from the alliance.)

Many supporters were arrested after the formation of the MRD, a number of them lawyers, most detained under Martial Law Order 78. According to one report 200 senior lawyers were arrested in March 1981 (*The Nation*, 30 May 1981). Amnesty International has the names of 37 arrested lawyers. Since March 1981 Amnesty International has adopted the following as prisoners of conscience:

Mian Mushtaq Ahmad
Aitzaz Ahsan
(Sheikh) Shaukat Ali
M. A. Gohir
Zafar Gondal
Mansoor Malik
Abid Hassan Minto
Khurshid Hussan Mir
Mahmood Ali Qasuri
Khurshid Mahmood
Qasuri
Umar Mahmood Qasuri
Mushtaq Raj
Hamid Sarfraz
Syed Zafar Ali Shah
Talat Yaqub

Journalists were also arrested when the MRD was formed. These included the editor of the leftwing newspaper Viewpoint, which had been served with pre-censorship orders several times in 1978 and 1979 on the grounds that the printer and publisher had "for some time past been causing and are continuing to cause a great threat to the peace and tranquility in the province of Punjab" (9 December 1978 order). Its editor, Mazhar Ali Khan who is about 70 years old, had been arrested in Lahore on previous occasions and was again held. Arrested with him were three staff journalists — Amin Mughal, Hamid Akhtar and I. A. Rehman. Mazhar Ali Khan has since been released, but the three journalists remained in detention without trial. In late 1981, I. A. Rehman was held in Bahawalpur Jail, Hamid Akhtar in Jhang District Jail, and Amin Mughal in Mianwali Jail. They have been adopted as prisoners of conscience by Amnesty International.

On 14 February 1981, 20 students were arrested in Rawalpindi following violent clashes with the police after a march calling for the resignation of President Zia-ul-Haq, an end to military rule, and parliamentary elections within three months. On 16 February, after a week of

growing student demonstrations and violence, four opposition party leaders were arrested: Maulana Faziur Rahman, head of the Jamiat Ulema Islam, Nawabzada Nasrullah Khan of the Pakistan Democratic Party, Mian Mehmud Ali Kasuri, lawyer and Acting President of the Tehrik-i-Istiqlal Party, and M. A. Gohir, the PPP leader in Multan.



Nawabzada Nasrullah Khan

On 24 and 25 February some 100 politicians, mainly junior officials of the MRD, were arrested in Lahore and other major cities. The arrests included members of the PPP, the *Tehrik-i-Istiq-lal* and socialist groups. All universities were closed after student violence in Karachi, the Punjab and the North West Frontier Province.

Thousands of political arrests all over the country followed the hijacking of a Pakistan International Airlines aircraft on 2 March by a group who said they represented the "Al Zulfikar" organization, reportedly led by Zulfikar Ali Bhutto's son, Murtaza. The government has linked the PPP leadership to those responsible for the hijacking, but has so far not produced any evidence for the charge. On 7 and 8 March leading members of the PPP were arrested in Karachi, Peshawar, Lahore and Rawalpindi, including Begum Bhutto and Benazir Bhutto.

After the hijacking — which led to the release of 54 political prisoners demanded by the hijackers — many members and sympathizers of political parties were arrested. According to reliable sources 6,000 political prisoners were

apprehended in the three weeks after the hijacking and held without charge or trial. Although a number of them, including PPP officials, were reportedly released in mid-August 1981 on the 34th anniversary of independence, many political prisoners were still being arrested and held without charge.

On 16 August 1981 the government promulgated Martial Law Regulation 52, dissolving all trade unions in Pakistan International Airlines (PIA), and arrested at least 17 trade union officials. Union officials put the number arrested at 150 (The Guardian, 18 August 1981). Two were released shortly after. The government announced that it intended to cut out "corruption and inefficiency", but as far as Amnesty International is aware no criminal charges have been made against any of those arrested. The PIA Chairman, Rahim Khan, a retired Major-General, was quoted on 19 August 1981 as saying that the latest arrests were directed at "professional agitators" and those who earned their living from "political activity" (Reuters, 19 August 1981).

Many students have been arrested in 1981 for addressing meetings or taking part in demonstrations, particularly members of student organizations affiliated to opposition parties such as the People's Students Federation (PSF), which supports the PPP. Many members of the left-wing Sind National Students Federation (SNSF), the Baluchistan Students Organization (BSO), the National Students Federation (NSF) and the National Students Organization (NSO) have also been arrested. Some student leaders have been imprisoned five times since July 1977 for participating in political activities. A Reuters report of 22 March 1981 quoted opposition sources as saying that "more than 1,000 arrests of students and activists had taken place in the last month of political unrest".

More than 100 students were reportedly arrested on 19 May in Quetta, Baluchistan, after demonstrations ending in fighting in the provincial capital. The demonstrations were said to have been organized by the BSO, which campaigns against military rule and for greater autonomy for Baluchistan, at a time of strong opposition to the impending execution of BSO student leader Abdul Hameed Baluch.

On 9 April 1981 a summary military court in Dadu, Sind province, sentenced five students to

imprisonment and flogging for "anti-state activities" and "creating disturbances in educational institutions". According to a report in the Urdu language paper Jang, on 18 May 1981 seven student leaders of the Giya Sind Students Federation were convicted by a military court of "bringing out an illegal procession", and "setting fire to buses". They were sentenced to imprisonment and between five and 15 lashes; they were flogged in Hyderabad, Sukkur and Khairpur prisons.

A civil disobedience movement against local taxes in Azad-Kashmir (the part of Kashmir administered by Pakistan) resulted in the arrest of "political workers, students and traders" according to a *Reuters* report of 24 August, which quoted opposition sources who said that 140 people had been arrested.

Union sources at a steel mill at Pipri, near Karachi, claimed that 200 people were arrested on 2 September 1981, and 12 wounded by the police who opened fire after clashes with strikers demonstrating for full payment of bonuses. No official figures have been given.

Arbitrary Arrests

Amnesty International is concerned about arbitrary arrest and detention under martial law. Many political prisoners are arrested without warrant, and they are often not told the reasons for the arrest or the grounds for detention. (Martial Law Order 78 removed the obligation to inform political detainees of the grounds for their detention.) According to political prisoners released in June 1981 prisoners were served with detention orders several hours after their arrest, but these consisted of "cyclostyled pieces of paper, with cyclostyled signatures, which did not even have their names and addresses filled in", (The Guardian, 30 August 1981).

Political prisoners have even been arrested leaving the courtroom after having been granted bail by the civilian courts. Syed Hasanuddin Hasan, a student, was charged with taking part in a student demonstration at a Karachi college on 2 October 1980, protesting against the death of Nazir Abbasi, a left-wing student leader. He was granted bail on 3 November by the Karachi court, but was arrested by the police on leaving the courtroom — it is believed on the orders of the army. On 7 January 1981 he was sentenced

imprisonment and flogging for "anti-state activities" and "creating disturbances in educational institutions". According to a report in the Urdu to six months' imprisonment by a summary military court under Martial Law Regulation 18 which bans a wide range of political activities.

Amnesty International is particularly concerned by reports that the relatives of political activists have themselves been arrested. In some cases the wanted person could not be found, and security forces arrested family members instead. Relatives believe they were taken as "hostages". In other cases relatives who started legal action on behalf of imprisoned family members — such as habeas corpus petitions — and their lawyers were arrested.

A number of political leaders went into hiding when the leaders of the political parties involved in the Movement for the Restoration of Democracy were arrested in February 1981. Among them were Rana Shaukat Mahmud, a personal assistant of Begum Bhutto, ex-Secretary General of the PPP in the Punjab, and a former provincial minister; and Arif Iqbal Bhatti, the President of the Lahore branch of the PPP. In late March and early April 1981 the security forces went to their homes, and when they found that they were not there, they arrested their wives. Both women were reportedly released after 10 to 15 days in detention in Lahore.

Dr Zafar Niazi, a member of the PPP and dentist to the late Prime Minister, went into hiding and then left the country at the time of the February 1981 arrests. When the army went to his house on 6 March 1981 to arrest him and his daughter and found that they were not there, they considered arresting his 12-year-old son, but then arrested his wife instead. She was released on medical grounds after several weeks in detention.

Qayyum Nizami, a PPP member and a former member of the Punjab Provincial Assembly has been imprisoned for political activities four times since 1977. When he was released after his first sentence of imprisonment and flogging in August 1978, he was charged with "making an objectionable speech". (He had attended a PPP meeting.) He went into hiding and the police raided his home several times. When they could not find him, his two brothers, Waheed Nizami and Hafeez Nizami, were rested. They were detained for one week in late 1978, until the court released them on bail. His wife, Begum Qayyum Nizami, was arrested twice while her husband was in prison. In early

1978 she was held for seven days without charge in Kot Lakhpat Jail, Lahore, with their fourmonth-old baby. When she was released from prison she was held under house arrest for several months. She was arrested again on 26 March 1979 when her husband was on trial for the second time. Begum Nizami and her baby spent two days in Kot Lakhpat Jail, and several months under house arrest. She was never charged.

Altaf Abbasi, who had participated in an antigovernment demonstration was arrested by the army on 15 November 1980. His 80-year-old father, who had witnessed the arrest, brought a habeas corpus petition on his behalf which was heard on 18 November 1980 in the Sind High Court in Karachi. Two days later the father was reportedly arrested; he died on 25 December 1980 in Jinnah Hospital, Karachi, while still in custody. Without instructions from the father, lawyers could not proceed with the habeas corpus petition.

Amnesty International has learned of several lawyers who have been arrested after starting legal proceedings to defend political prisoners. Mian Bashir Zafar, the President of the Progressive Lawyers Association was arrested at the beginning of March 1981 and held in detention in Kot Lakhpat Jail, Lahore, under Martial Law Order 78, after filing a habeas corpus petition in the Lahore High Court on behalf of Farkhanda Bukhari. When the court was asked to allow Farkhanda Bukhari's lawyer to appear to plead her case, the Advocate-General, Punjab, objected in the following terms: "the production of the counsel to argue the case would defeat the object of detention". Two other lawyers acting on her behalf, one of whom was Abid Hassan Minto, were subsequently also

Many political prisoners have been arrested at night by uniformed police officers and army personnel, sometimes in plain clothes. Reasons for the arrest, often made without warrant, have frequently not been given. In a number of cases officials have refused to give details of the whereabouts of political prisoners for several months. Particularly since January 1981 Amnesty International has received dozens of accounts of such arbitrary arrests.

arrested, according to reports.

Arbitrary arrests and detentions were also frequent under previous administrations. On 28 November 1977 a judge of the Sind High Court

set aside the conviction of Meraj Mohammed Khan, a well-known left-wing politician and leader of the Quomi Mahaz-i-Azadi (National Liberation Front), who had been imprisoned for four years under the previous government. Justice Ebrahim said of the pattern of arrests then prevailing: "The common allegation in most

This account of the arrest of a political prisoner is typical of many Amnesty International has received. For fear of reprisals, the identity of the prisoner has been deleted. The prisoner has been a member of the defunct National and Provincial Assembly. He was arrested in April 1981, at home, during the night.

"... armed men entered the house, beat up the attendants including the maids. Then they forced their entry in the bedroom of ... (the sister of the person wanted for arrest) and threatened to kill her unless she produced her brother. And when she picked up the phone to ring up her husband, they broke the phone and started beating her up with a cane. Her mother meanwhile entered the room and tried to save her daughter and she was also beaten up.

arrest and the house was ransacked, damaged and searched without any search warrant either. Since then, he is in solitary confinement in... he is denied the right to meet his family.... Since his arrest, he is in police-cum-army custody without any charges having been framed and has not been produced before any ordinary court of law. Such a prolonged remand to police custody even by a military tribunal is unprecedented. Under the circumstances we apprehend that there is a threat to his life...".

cases of detention is that the detainee was arrested without warrant and his whereabouts not made known to his family members. I can only hope that in the new tomorrow the powers that be will be more sympathetic to its political opponents".

Since his release in November 1977 by the

Sind High Court, Meraj Mohammed Khan has been rearrested twice. On 16 May 1978 he was arrested in connection with a strike by journalists and sentenced under Martial Law Regulations 13 and 33 to one year's imprisonment. Although released after two months he was rearrested on 28 February 1981. As far as Amnesty International is aware, the grounds for detention have not been disclosed. His latest arrest followed the establishment of the Movement for the Restoration of Democracy. He has been adopted as a prisoner of conscience by Amnesty International.

Meraj Mohammed Khan has been imprisoned at least nine times during the past 20 years for criticizing successive governments. During his previous terms of imprisonment he was able to present petitions in the High Courts challenging the legality of his detention or of his trial in camera and conviction by a special court. However as a result of the constitutional amendments passed since 1977, in particular those of November 1979 and March 1981, the civil courts no longer have the power to enforce respect for fundamental rights or to question the legality of anything done by the military courts or the martial law authorities. There is no legal scrutiny to check the arbitrary powers of arrest and detention which have been assumed by the military administration since 1977, and reports of arbitrary arrest and incommunicado detention have sharply increased since the Provisional Constitution Order was promulgated in March 1981. A recently published account presented by Taj Mohammad Langali, a Pakistan lawyer, described its effects:

"For the first time, we had no longer recourse to the courts.... The courts used to have the right to look into the charges and the material on which people were detained. We had no redress to any legal forum whatever, so much so that the gaol authorities had instructions not to release us, even if the detention order had expired, unless they got a telephone call from the martial law authorities".

(The Guardian, 30 August 1981)

Incommunicado Detention

Many political prisoners are held in incommunicado detention, sometimes for long periods. Since the beginning of 1981 Amnesty International has received an increasing number of

reports of such prisoners held in joint military and police custody or in military custody, under the provisions of the Army Act. Amnesty International knows of several political prisoners who, when they asked for permission to contact a lawyer or their relatives, were refused any contact with the outside world, on the grounds that they were in army custody.

Amnesty International is concerned about these reports because, in its experience, incommunicado detention facilitates torture. Jam Saqi, a former President of the Sind National Students Federation and a former Joint Secretary of the defunct National Awami Party, has been held in incommunicado detention for most of the time since his arrest on 10 December 1978. For months his relatives tried to establish his whereabouts. They presented three habeas corpus petitions, but on 28 December 1978 the police told the court that they could not produce Jam Saqi because he was in army custody.

For three months, his whereabouts remained unknown, but on 7 March 1979 the Sind High Court made an order that his lawyer and a friend were to be allowed to see him in jail. They were allowed to meet him but prohibited from discussing the case against him. A petition brought in the Sind High Court by his lawyers in March 1979 stated:

"That the detainee informed us that on 10.12.78 he was arrested by the Hyderabad Market Police That Jam Saqi has been all along kept in solitary confinement and handcuffed all the time and that whenever he is taken outside, he is blindfolded and as such he could not say as to what places he is being kept in custody That more than three months have passed and still no charge has been framed against him nor is he produced before any Court, Civil or Military for the purpose of taking his remand and/or recording his statement That Jam Saqi is in solitary confinement for the last three months without being informed as to what offence is alleged against him and that he has complained of great mental torture and agony

(Constitutional Petition No. 193 of 1979 in the High Court of Sind)

Amnesty International has received reports that Jam Saqi was tortured while he was held in solitary confinement. It was not until 2 April

High Court, and he confirmed that he was still being held in incommunicado detention. The government stated that he was held under the Army Act and the Official Secrets Act, and in August 1979 Amnesty International was informed that he was still in solitary confinement. On 1 November 1979 the authorities stated "that he was not held in confinement but arrested under Martial Law Orders 4, 18, 30 and Section 465". In late 1981 Jam Saqi was still in prison, and he was being tried in camera with five others before a special military court inside Karachi Central Jail. None of the accused has been allowed to contact a lawyer or relatives, and one, Nazir Abbasi, died in incommunicado detention in August 1980. In April 1981 Amnesty International was informed that Jam Saqi was on hunger-strike. According to reports which Amnesty International has not been able to verify, he was sentenced to 10 years' imprisonment in 1981, on unknown charges, and was again tortured. Two-and-a-half years after his arrest, he was reportedly still denied all contact with relatives or lawyers.

Jam Saqi's wife, Sukham Saqi, died three weeks after the shock of his arrest, on 28 December 1978, leaving three children, two of whom have since died. Jam Saqi was not allowed to attend the funerals of his wife or children.

Mohammad Riaz Khan, a former President of the National Students Federation and a PPP supporter, has been arrested and detained by the present government five times. After his third arrest — in the first week of May 1978 — he was asked to sign a statement making allegations against PPP members including Zulfikar Ali Bhutto, then on trial. During his eight months' detention without trial in Jehlum Prison and Lahore Fort he was denied any contact with relatives and lawyers. He was released in December 1978, when the case against him before the summary military court was dismissed. His relatives had not been able to establish his whereabouts during the eight months of his detention.

Some 30 PPP members arrested between 5 and 10 January 1981 under the Pakistan Army Act and detained in Attock Fort, near Peshawar, and in Lahore Fort were reportedly held incommunicado. Some were still in incommunicado detention in late 1981 but a few were released in

1979 that he was produced before the Lahore High Court, and he confirmed that he was still being held in incommunicado detention. The government stated that he was held under the Army Act and the Official Secrets Act, and in August 1979 Amnesty International was instatement after his release on 13 March 1981:

"At Attock Fort I was put in an underground cell of 6 feet by 4 feet with the floor covered with wet sand and no window or ventilator. In the pitch dark cell the only furniture was a commode and I was given two stinking blankets for a bedding. I spent my entire period of captivity at Attock Fort in solitary confinement in this cell which was more of a grave than a cell."

He also stated that at no time during his detention was he told of the charges against him.

Dr Aslam Khan Naru, a chemistry professor and a member of the Central Committee of the PPP was arrested on 7 April 1981 and taken to Lahore Fort. He was denied any contact with his relatives and lawyers. On 30 June 1981 he was allowed to meet relatives for the first time, after concern had been expressed internationally about his incommunicado detention. Dr Naru has not been tried or charged, and the government has not, to Amnesty International's knowledge, disclosed the laws under which he is being hald

The suspension of habeas corpus

Habeas corpus petitions presented in the courts on behalf of political prisoners in recent months have had no effect. Amnesty International believes the following examples demonstrate that political prisoners are no longer protected by the remedy of habeas corpus.

Habeas corpus petitions were presented on behalf of several PPP members arrested between 5 and 10 January 1981 in Lahore. During the hearings before the Lahore High Court, the government did not reveal the charges against the prisoners but said they were detained under the Army Act for "passing secrets to an unfriendly country" (Reuters, 3 February 1981). The Lahore High Court ordered one of the prisoners, Farkhanda Bukhari, arrested on 6 January 1981, to be produced before the court and to be allowed

an interview with her lawyer. On 18 January the Lahore High Court ordered "the detainee has not been produced in spite of clear direction given by this court . . . the State was not justified in withholding production of the detainee." The Advocate-General of the Punjab appealed on behalf of the government against the order arguing that since the detainee was "arrested under the Army Act, the High Court had no jurisdiction to entertain a habeas corpus petition under Article 199 of the constitution" (Dawn, 27 January 1981). On 21 February 1981 the Lahore High Court ruled: "the court has and will continue to have jurisdiction in the matter until a decision has been taken to institute proceedings before a Court Martial and the person has been formally charged under the Act" (Judgment, Lahore High Court, in writ petition No. 73 of 1981). But the authorities refused to bring Farkhanda Bukhari to court, and stated that "the concerned authorities could not be contacted". While she was held incommunicado, she was, according to press reports, being tortured in Lahore Fort.

PAKISTAN

A habeas corpus petition presented on behalf of Altaf Abbasi in the Sind High Court proved ineffective while he was held in incommunicado detention in army custody. Altaf Abbasi, who had reportedly participated in a peaceful demonstration against martial law in London on 6 October 1980, was arrested in Pakistan on 15 November 1980 while on a visit to his family.

During the habeas corpus hearings in the Sind High Court, the Advocate-General of Sind is

reported to have produced a document stating that Altaf Abbasi had been released on 18 November 1980. However he was never produced before the Sind High Court, nor was he released until four months later. He was held incommunicado in army custody for the entire time and, when the *habeas corpus* petition was being presented, was reportedly tortured.

Amnesty International believes that the methods described, the denial of the remedy of habeas corpus to political prisoners, and the incidence of incommunicado detention, amount to an established pattern of arbitrary arrest and detention which violates the minimum standards laid down in international human rights law to protect the rights of prisoners. Article 9 of the International Covenant on Civil and Political Rights states:

- "1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
- 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
- 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release."

The laws

Nearly all political prisoners are held under martial law provisions.

Detention without trial

The government has wide powers of preventive detention both under Martial Law Order 78 of 26 May 1980, and under the Maintenance of Public Order Ordinance. Martial Law Order 27 limits the period of detention to 12 months. The martial law orders allow detention without trial on vaguely defined grounds: "for the purpose of preventing him from acting in a manner prejudicial to the purpose for which martial law has been proclaimed or to the security of Pakistan, or any part thereof, the maintenance of peaceful conditions in any part of Pakistan or the efficient conduct of martial law."

Martial Law Order 78 incorporated Martial Law Order 12 of 1977, but removed the obligation to inform the detainee of the grounds for detention. Under Martial Law Order 78 the grounds for detention "shall not be communicated to the detainee". The civilian courts had previously set aside many political detention orders: for example on 11 December 1979 the Lahore High Court declared the detention of 13 people under Martial Law Order 12 "unlawful" and ordered their immediate release. The court found "the material pertaining to the detention . . . insufficient", (Dawn, 12 December 1979). However such scrutiny of executive action is no longer allowed under the PCO.

Amnesty International believes the provisions of Martial Law Order 78 are used arbitrarily and on a large scale to detain non-violent critics of the government. Detention orders are usually renewed every three months, but Amnesty International knows of several people detained for far longer than the maximum of 12 months allowed by the legislation.

Many hundreds of political party members

have been detained without trial in recent years for long periods. Among them are Begum Nusrat Bhutto, the wife of the late Prime Minister, who succeeded him as leader of the PPP. By July 1981 she had spent 26 of the preceding 41 months in detention under martial law provisions; her daughter Benazir had been detained for 24 months during the same period. The leader of the Tehrik-i-Istiqlal, Air Marshal (Retired) Asghar Khan, has been detained a number of times under both the present and previous administrations. His period of detention since 29 May 1980 greatly exceeds the maximum 12 months officially allowed under Martial Law Order 27. All three are among the prisoners of conscience adopted by Amnesty International. (See Appendix 1.)

Political activities banned

Political prisoners are often tried by military courts, particularly under regulations banning ordinary political activity and criticism of the armed forces:

- Martial Law Regulation 13 states:
- "No person shall, by word, either spoken or written, or by signs or by visible representation or otherwise, bring or attempt to bring into hatred or contempt or excite or attempt to excite disaffection towards the Armed Forces or any members thereof."
- (Maximum punishment: five years' imprisonment and 10 lashes.)
- Martial Law Regulation 33 states:
- "No person shall in any manner whatsoever directly or indirectly indulge or participate in political activity",

the definition of which includes:

"A. Organizing any political party, canvassing or campaigning in public or in private, or

propagating the cause of any political party or any politicians by words, either spoken or written, or by sign or by visible representation or in any other manner or at any place whatsoever.

D. Arranging, attending or joining any procession of a political nature."

"2. (e) making, printing, producing, publishing or distributing directly or indirectly any matter... connected with... furthering the cause of any political party, politician or candidate... or is likely to cause sensation or misunderstanding amongst the people or which is prejudicial to the precepts of Islam or the Ideology or integrity or security of Pakistan or public peace or the national interest or which tends or is likely to cause disaffection towards the Martial Law Administration..."

(Maximum punishment: seven years' imprisonment, 20 lashes and a fine.)

Political prisoners are often tried for printing political literature, taking part in political processions or undertaking other peaceful political activity, under Martial Law Regulations 4, 5 and 18

Martial Law Regulation 4 states:

"(1) No person shall publish, print, circulate, or cause to be published, printed, or circulated or otherwise be in possession of any pamphlet, poster or publication or any type of literature calculated to promote or attempt to promote feeling or enmity or hatred between different provinces, classes, sects, or religious order."

(Maximum punishment: 10 years' imprisonment and 30 lashes.)

• Martial Law Regulation 5 states:

- "1. No person shall organize or convene or attend any meeting, not being a religious congregation, in an open public place, or organize or take out a procession, not being a religious funeral or marriage procession, without the prior written permission of the Martial Law Administrator concerned.
- (Maximum punishment: seven years' imprisonment, fine and 10 lashes.)
- Martial Law Regulation 18 prohibits a wide spectrum of political activities. Article 3 reads:
- "(3) No political party or person shall, by words, either spoken or written, or by signs or

by visible representation or otherwise, propagate any opinion, or act in a manner prejudicial to the ideology or the integrity or the security of Pakistan, or prejudicial to the purpose for which Martial Law has been proclaimed."

(Maximum punishment: seven years' imprisonment, fine and 10 lashes.)

Although Martial Law Regulation 23 of 19 September 1977 states that trade union activity is allowed, the regulation bans all "strikes and lock-outs". Martial Law Regulation 51 of 14 June 1981 forbids "agitational activity" by people "in government service" and "in corporation service" in widely defined terms: anyone engaging in activity "which is intended or is likely to impair the normal functioning or efficiency of any department or office of the government" including "causing or inciting of strikes or slow movements" may be dealt with "in a summary way or his case may be referred to a military court for trial". (Maximum punishment: five years' imprisonment and five lashes.) On 16 August 1981 the government banned all trade union activity in Pakistan International Airlines (PIA), and the penalty for disobeying was put at a maximum of five years' imprisonment and five lashes under Martial Law Regulation 52.

The terms of these martial law regulations are so wide that any form of political activity or criticism of the government can be punished by imprisonment and flogging after a summary trial. Most political prisoners are sentenced to imprisonment of up to 12 months, and some are also flogged. Longer terms of imprisonment have been imposed. For example, Aslam Saghir, the driver of Dr Zafar Niazi, (a prominent PPP member and former dentist to Zulfikar Ali Bhutto), was sentenced to three years' imprisonment on 29 January 1981 for helping deliver political pamphlets. He was sentenced under Martial Law Regulations 13 and 33 and has been adopted as a prisoner of conscience.

Military Courts

With very few exceptions, political prisoners are tried by military courts. These courts are not only empowered to try military personnel, they may also try civilians for many martial law offences, including those banning political activity.

Since the promulgation of the Constitution (Second Amendment) Order 1979 they can also try offences under the Pakistan Penal Code, previously the exclusive jurisdiction of the civil courts. Martial law authorities decide whether a case is to be heard by a military tribunal or a civilian court. Only military courts try cases of treason, sedition, "prejudicial activity" and "seducing members of the Armed Forces", (Martial Law Order No. 77).

Summary Military Courts

Summary military courts consist of one member who need not be a member of the Bar. The accused can address the court and cross-examine witnesses, but only a summary of the evidence need be taken down. The defendant has no right to be represented by a lawyer, and although the accused may be assisted, this person cannot address the court directly. These courts can impose up to one year's imprisonment and 15 lashes. In most cases the maximum period of imprisonment is imposed. No appeal is allowed, but there is provision for review by the Zonal Martial Law Administrator.

Special Military Courts

Special military courts consist of three people, one a magistrate, the other two career army officers of the rank of Major or Lieutenant-Colonel. Amnesty International understands that the army officers do not need to have any legal training. The courts may try all martial law and penal code offences and impose all punishments, including the death penalty and amputation of a hand; executions or amputations have to be confirmed by the Chief Martial Law Administrator. Only a summary of the evidence need be recorded and, if necessary, "may be dispensed with in a case and in lieu thereof an abstract of evidence may be recorded" (Martial Law Order 5, 11 July 1977). Cross-examination of witnesses is allowed. Amnesty International has been told that decisions are recorded on printed forms under the heading "guilty or not guilty", and that this is sufficient to constitute a judgment. There is no requirement to give a reasoned judgment in writing, even in cases involving the death penalty.

Any question relating to the jurisdiction of

the military courts or the legality of their actions must be referred to the Chief Martial Law Administrator, whose decision is final. Under martial law there is no provision for judicial review of the legality of decisions taken by the martial law authorities by any court of law in Pakistan.

During a mission to Pakistan in January 1978 Amnesty International delegates were able to attend a hearing before a summary military court. In July 1980 the secretary of the Centre for the Independence of Judges and Lawyers, a unit of the International Commission of Jurists, requested permission to attend such a trial. Permission was refused by the provincial authorities even though proceedings are in principle open to the public (CIJL Bulletin, No. 6, October 1980).

Amnesty International has received disturbing accounts of the way these military tribunals try political prisoners. The Baluchistan High Court in a judgment of 2 July 1980 quoted the case of a student who was accused of having participated in an illegal procession, a case referred to it by former Attorney General Yahya Bakhtiar. At his trial no witness named the student, nor did any identify him. "But the Presiding Officer was helpless. He told the accused student that although the evidence did not indicate his guilt he could not do anything as the higher authorities sent down direction that he was to be sentenced to one year's rigorous imprisonment" (imprisonment with hard labour). The Baluchistan High Court observed: "This quality of justice is being tried to be provided in preference to the existing courts, and with such sanctity that the judgment of military courts and tribunals are being sought to be kept above the judicial scrutiny of the superior courts. Such a step is not likely to promote the good of the people". (NLR 1980 Civil Quetta, page 889).

This case illustrates the miscarriages of justice which are likely to occur when basic legal safeguards are suspended. Of particular concern

- the summary recording of evidence,
- the denial of the right to be represented by a lawyer,
- the absence of the right to appeal to a court of law,
- the fact that judges are career army officers who are part of the Executive,

the removal of the requirement to give a reasoned judgment in writing.

Trials before military courts therefore fall far short of international standards to ensure a fair and open trial. This is particularly disturbing as the military courts are widely used to punish peaceful dissent, and often hand down severe punishments, including the death penalty.

Secret trials

A number of trials of political prisoners take place in camera, with the defendants denied access to lawyers and relatives. Some trials take place inside prisons.

The trial of Jam Saqi and five others is a case in point (see Chapter 6). In late 1981 it was being held inside Karachi Central Jail and few



details could be discovered. Amnesty International learned of the trial in March 1981 but the precise dates are not known as the accused are held incommunicado. One of those originally reported to be a defendant, student leader Nazir Abbasi, died in police custody reportedly as a result of torture. Jam Saqi was arrested on 10 December 1978, held incommunicado, and reportedly seriously beaten during interrogation. Three others accused — Shabir Shah, Professor Jamaluddin Naqvi and Kamal Warsi — were arrested on 30 July 1980. The newspaper Dawn,



Meraj Mohammed Khan (see below)

1 April 1981, stated that they were "involved in clandestine printing, publishing and distribution of subversive and anti-State materials". No official charges have, as far as Amnesty International is aware, been published, nor has any evidence been produced by the government to substantiate the allegations published in the press. The six prisoners have throughout their trial been denied defence facilities and all contact with their closest relatives. They were initially held in complete isolation, but since early March 1981 they have apparently been allowed some contact with other prisoners, but not with lawyers or relatives.

Grave doubts about the fairness of trials held in camera have been voiced in the past by Pakistan's higher judiciary. In November 1977 the Sind High Court ordered Meraj Mohammed Khan to be freed, after being convicted by a special tribunal in Karachi Central Jail. The court observed: "Publicity in the administration of justice is one of the surest guarantees of our liberties and the court should be doubly vigilant against its denial on its own motion."

The rule of law requires not only that justice be done, but that it be seen to be done. Amnesty International is concerned that political prisoners are tried in camera without the assistance of a lawyer. Such practices violate accepted standards of international human rights law, in particular Article 10 of the Universal Declaration of Human Rights which reads: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal."

Torture, flogging, amputation and stoning to death

Torture

Amnesty International possesses detailed reports showing that torture is systematically practised in Pakistan.

Since the present government took power specific allegations of ill-treatment and torture of political prisoners have reached Amnesty International: they started in 1978 and have increased since the beginning of 1981. The reports charge both the army and the police and the more recent reports identify the army. They come from all parts of Pakistan and are both grave and consistent. They include allegations that 10 prisoners, including three political prisoners, died under torture between January 1980 and August 1981. Amnesty International has described in earlier reports torture practices under previous administrations. ¹

Since July 1977 most of those allegedly tortured have been students, political party workers, trade unionists, and also journalists and lawyers belonging to political parties. For the first time Amnesty International has received reports of women political prisoners being tortured.

The reports specify the following torture methods:

- hanging prisoners suspended from the ceiling, sometimes upside down, for many hours and beating them;
- severe and prolonged beatings, including on the soles of the feet, around the ankles, on the knees and on the head;
- electric shocks;
- burning the body with cigarettes;
- placing the prisoner on a wooden bench fitted with wooden rollers which are forced over the upper legs;
- pulling out hairs;
- subjecting prisoners to continuous loud noise;
- threats of execution and threats to the safety of relatives;

 deprivation of sleep for up to five days and deprivation of food and drink for up to 36 hours.

Political prisoners are tortured in the following places: Lahore Fort, known as "Shahi Fort", where since 1978 a group of army officials have reportedly supervised the interrogation of political detainees; Attock Fort and Warsak army camp near Peshawar in the North West Frontier Province; the Lahore police headquarters of the Criminal Investigation Agency in the Choona-Mandi area in the Punjab, the military interrogation centre at Malir Cantonment and Clifton Police Station in Karachi, Much Jail in Baluchistan, in Bala Hissar Fort, Peshawar, and other places including police stations all over the country.



During 1981 dozens of detailed allegations reached Amnesty International naming individuals tortured in police and army custody. Political detainees have been held in army custody or in joint custody with the police according to recent reports. The army's Field Investigation

Unit (FIU) and the police Special Branch have been specifically cited.

Kazi Sultan Mohammed, a PPP member, alleged that he was tortured for five days in Lahore Fort after his arrest in March 1981. He was pressed to confess to being a member of the Al Zulfikar organization — which had claimed responsibility for the hijacking of an aircraft on 2 March 1981 — and to having acted under the instructions of Benazir Bhutto, the PPP leader. He alleged that he was held over a ledge and told that he would fall to his death unless he "confessed". He also said that he was not allowed to sleep for 48 hours, and was made to stand with his hands above his head for several hours at a time. According to the report "this torture was presided over by army majors" (The Guardian, London, 22 August 1981).

In January 1981 Amnesty International was told that students were being tortured in many police stations; the students named police stations in Islamabad and Rawalpindi, and Clifton Police Station, Ferozabad Police Station and Frere Police Station in Karachi. On 25 February 1981 the People's Student Federation, which supports the PPP, stated that 11 student leaders and other government critics had "started a hunger-strike against their alleged torture and continued detention without trial". They demanded "transfer from cells in local police stations where the torture was alleged to have taken place to what they saw as the relative security of the city's Central Jail" (Reuters, 25 February 1981).

Several allegations of torture have been reported in the Pakistan press: for example on 24 March 1980 the Lahore High Court ordered the release of Mohammad Ikram and his father Mohammad Asghar, who had been taken into custody when he went to the police station to inquire about the whereabouts of his son. The Lahore High Court ruled that the two men were held "in illegal confinement" by the Station House Officer of the Model Town police station, and ordered their release after hearing a habeas corpus petition. The court observed that: "Mohammad Ikram was severely tortured by the police for which the bailiff got a medical report from the civil surgeon", (Pakistan Press International, 24 March 1980). In another published account a lawyer alleged that a woman "was hung upside down on a tree at the premises of a police station and beaten up. This awe inspiring spectacle was watched by hundreds of men, women and children of the place", (*Pakistan Times*, 18 March 1979). The lawyer claimed that after taking up this case, the police had three times brought charges against him.

Such reports are now difficult to publish in the strictly censored Pakistan press. Most of the reports received by Amnesty International in 1981 are signed statements written by released political prisoners or affidavits submitted by their lawyers.

Amnesty International has been able to examine several released prisoners. One alleged that in 1978 he was tied, standing, to a pole with ropes around his neck, wrists and ankles, and was repeatedly beaten with fists, batons and leather straps until he lost consciousness, then revived with water, when the beating began again. He was also repeatedly burnt with cigarettes. The medical examination concluded:

"that the history which he has given of injuries received by torture while in detention in Pakistan in 1978 appears to be fully corroborated by scars found on his body".

Another prisoner examined by Amnesty International reported being tortured by army personnel in 1981. Among the allegations were beatings on the head with leather straps and cigarette burns on several parts of the body. The medical report describes:

"there are regular discoid scars 7mm across still reddish in colour and somewhat depressed below the surrounding skin, and, a few centimetres higher up, similar but more superficial and less red scars . . . The symmetry of distribution of the scars leaves no doubt that they are the result of intentional injuries. The regular round shape and the size of the scars strongly suggests that they are the result of burns caused by lighted cigarettes".

The report concludes:

"the scars . . . are so strongly suggestive of being caused by torture that they should be accepted as confirmatory evidence".

Amnesty International has full medical evidence on these cases. However it cannot reveal further details for fear of reprisals against the victim's family.

¹ An Amnesty International Report including the Findings of a Mission to Pakistan, 23 April-12 May 1976. Chapter 6 and Appendix C.

Rashid Ahmad Khan, a journalist and former Deputy Editor of the newspaper Sadu-E-Watan, Lahore, was arrested on 8 November 1978 without warrant. He was told that he was charged with having "written, produced and distributed leaflets against the military government and against the military in general". Between 8 November and 23 November 1978 he was held at the office of the Field Investigation Unit in Lahore and at the Lahore office of the Criminal Investigation Agency. He reported that he was shown torture equipment, including electric shock machinery, and was hung by his arms, and later by his ankles, while being beaten with rubber covered instruments until he lost consciousness. His hair was pulled out, and he was thrown with his head against a wall. On 13 December 1978 he was sentenced to six months' imprisonment and a fine, on charges relating to the distribution of political leaflets, but a writ petition before the Lahore High Court resulted in his release in January 1979.

One released prisoner interviewed by Amnesty International described being blindfolded and tied to a bed. A metal object was applied to various parts of the body "causing searing pain". The symptoms described correspond to those of victims of electric shocks.

Several torture testimonies received by Amnesty International identify the army and police officers who inflicted or supervised the torture. Signed statements from released prisoners show that they were arrested without warrant, in most cases without being informed of the charges against them, and that in nearly all cases, they were denied all contact with lawyers, relatives, and friends throughout the period of interrogation when they were tortured. Some were told: "nobody knows where you are". Habeas corpus petitions brought by relatives have in several cases been ignored. Prisoners were only brought before a magistrate after their interrogation had ended, or after they had signed the statements their interrogators wanted them to sign. One prisoner who refused to sign a "confession" under torture had his thumb prints taken by force. In Amnesty International's experience, torture is facilitated when political prisoners are held without legal safeguards in incommunicado detention.

After Jam Saqi's arrest on 10 December 1978 he was taken to various army camps where

soldiers reportedly beat him with sticks on his back and the soles of his feet, deprived him of sleep for long periods, and denied him food for up to 36 hours. The petition presented in the Sind High Court on his behalf in 1979 followed the one known meeting his lawyers were allowed with him in jail.

"he was arrested by the police and then his custody was given to the army officers when he was kept for about 10 days there in solitary confinement and was beaten mercilessly with the result that his wounds could not be cured for about one month until extensive medical aid was given to him". (Constitutional Petition No. 193 of 1979 in the High Court of Sind) In March 1981 Jam Saqi was reportedly being tried by a special military court inside Karachi Central Jail, together with Professor Jamaluddin Naqvi (Professor of English Literature, Urdu College, Karachi), Suhail Sanghi (journalist, Daily Sind News), Kamal Warsi, Badar Abroo, Shabir Shah and Amar Lal, all arrested on or around 30 July 1980. The accused have been denied visits from relatives and lawyers throughout their trial. Amnesty International has received allegations from various sources that several of the accused were tortured after arrest. They were still in incommunicado detention in late 1981

and further details could not be obtained. Altaf Abbasi was denied all contact with the outside world from his arrest on 15 November 1980 in Karachi to his release in March 1981 from Attock Fort. According to his detailed statement he was held at Karachi Cantonment, Kalim Mahmood Road, between 16 November 1980 and mid-December 1980, and was tortured at night by being made to hang by his hands from the ceiling, and then upside down by his ankles, while being beaten. He said that he developed internal bleeding. A loud high-pitched noise was transmitted through microphones placed over his ears, and, on one occasion, he said he was given electric shocks. He said that he was not allowed to sleep for four consecutive nights, and that he was threatened with death. His interrogators wanted him to sign a long statement, which he was not allowed to read. Altaf Abbasi said that he was never brought before a court, but an official report stated: "He made a confessional statement to the fact of his involvement in anti-State activities in the court of a magistrate on December 24, 1980" (Dawn, 17 March 1981).

Altaf Abbasi was one of the 54 political prisoners released from jails all over Pakistan on 14 March 1981 in exchange for the hostages taken by hijackers two weeks earlier. Amnesty International has received allegations of torture concerning 16 of the 54.

Some of the students, journalists, and political party workers who were arrested in the first weeks of January 1981 in connection with preparations to mark the late Zulfikar Ali Bhutto's birthday have reportedly been ill-treated and tortured. Several were seriously beaten during interrogation — some could hardly walk — and given electric shocks. One received treatment in a Karachi hospital, and most were still in detention in late 1981.

Qamar Abbas, a lawyer from Peshawar and former secretary to Begum Nusrat Bhutto, was one of the many PPP members and sympathizers arrested in March 1981. According to a press report he was taken to hospital in Peshawar in the first week of April 1981 with "serious injuries". (The Guardian, London, 13 April 1981). He was held incommunicado and rumours circulated that he might have died under torture. Two of his relatives were apparently allowed to see him after the international press reports, but no visits have been allowed since. Amnesty International cabled the government on 13 April 1981 asking it to investigate these reports. On 5 August it was informed by the government that "he was not subjected to any torture" and that "he was shifted to the hospital for a medical check-up and a qualified doctor found him fit and his body did not show any signs of violence". His health continues to give rise to anxiety as reports from several sources state that he was tortured under interrogation at Warsak Camp, near Peshawar. He was allegedly suspended from a bridge and repeatedly submerged in the water below. In late 1981 Qamar Abbas was still in detention with no regular contact with the outside world, and Amnesty International had not yet received the medical reports it requested from the government in August.

During the last two years Amnesty International has, for the first time, received reports that women have been tortured. Mst. Safooran, a mother of six, was taken into custody in connection with a murder case. According to the press report, "Mst. Safooran was allegedly tortured all over her body with butts of cigarettes".

Medical certificates issued by the civil hospital in Karachi and the District Hospital Thatta "reportedly confirmed the allegations of the violence" (*Dawn*, 11 May 1981).

Nasira Rana and Begum Arif Bhatti, the wives of PPP officials who had gone into hiding, were "subjected to electric shocks and were sexually molested" in Lahore Fort (New Statesman, London, 4 September 1981). According to the same press report Farkhanda Bukhari, another PPP member, was also tortured. The wife of an ex-minister was also tortured in Lahore Fort by having snakes put in her cell (The Guardian, London, 30 August 1981). Two young women members of a political party reported torture in Lahore Fort in 1979. During the 14 days they were held in Lahore Fort they were denied any contact with their relatives. They reported:

"In Lahore Fort we were kept in separate cells which were very dirty and we were constantly freezing... we were constantly watched by policemen and military personnel. For three to four days we were prohibited to sleep... we were abused by military personnel... we were tortured in various ways: we were beaten during interrogation, we were handcuffed and we had bar fetters at our feet, one of us received electric shocks."

Amnesty International has been asked not to divulge further details.

Deaths in custody

At least 10 prisoners died in custody allegedly as a result of torture and ill-treatment between January 1980 and August 1981. Three were political prisoners: Nazir Abbasi, Kalu Brahmani and Inayat Masih.

Nazir Abbasi President of the Sind National Student Federation, 25 years old, and reported to be a member of the banned Communist Youth League, died on 9 August 1980 in military custody in Karachi. He is reported to have been arrested on 29 July 1980 with four others — Ghulam Shabir Shah, Ahmed Kamal Warsi, Professor Jamaluddin Naqvi and Suhail Singi — on charges of "indulging in clandestine and subversive activities". When his family received his body for burial it had multiple wounds. The family say he died as a result of torture and they petitioned the Sind High Court to disclose the

cause of his death. On 3 September the Sind High Court was reported to have dismissed the petition. The provincial government announced an investigation into this death, but the outcome is not known. The Assistant Advocate-General, Sattar Shaikh, was quoted as saying that "Abbasi had died of natural causes" (Reuters, 3 September 1980). However his family was denied access to the post mortem examination, and the post mortem report has, to Amnesty International's knowledge, not been published. There were several student protests in Karachi in late 1980 calling for those responsible to be brought to trial. Reports from several sources have confirmed that Nazir Abbasi died in military custody as a result of torture, and the government has not provided evidence refuting these allegations.

Kalu Brahmani, college student and member of the Sind National Student Federation, died in Khairpur Natanshah police station allegedly as a result of torture and lack of medical treatment. It is believed that Kalu Brahmani was detained by order of the sub-martial law administrator for political activities in Sind province. Relatives have identified the two police officers they believe are responsible for his death, and two police officers were reportedly arrested on 10 February 1980. On 24 April 1980 Amnesty International asked the Minister of the Interior to conduct an impartial inquiry into his death, but received no reply.

Inayat Masih, trade union leader and General Secretary of the Rawalpindi Municipal Labour Union, is reported to have died in custody in Rawalpindi Hospital on 6 September 1980. Inayat Masih was arrested in August 1980 during a strike by the Rawalpindi Municipal Labour Union demanding improved working conditions after five members had died in the course of their work. He was arrested at home and reportedly beaten while in custody. Despite a kidney ailment he was sentenced to one year's imprisonment with hard labour by a special military court for his involvement in the strike. On 5 September 1980 he was admitted to hospital, where he died the following day. Amnesty International cabled President Zia-ul-Haq on 10 October 1980 expressing its deep concern about the allegations that Inayat Masih had died in custody after torture. It urged the government to establish an independent judicial inquiry into his death and publish the findings in full, but received no reply. Inayat Masih's wife — also a municipal worker — was dismissed from her job; he left five sons, aged from two to 16.

The following reports of people arrested on criminal charges and who died in police custody were published in the Pakistan press.

Anwar Ahmad was 18 years old when he died in police custody on 17 May 1980. He was arrested on 17 May 1980 at his home in Natha Khan Goth. He was detained by the Head Constable Abdul Qayyum, Constable Matloob and Station House Officer Amanat Javed and reportedly tortured, dying from his injuries the same evening. His relatives complained and the Medical Officer's report listed 18 marks of injury all over Anwar Ahmad's body. A judicial inquiry was held, and the government have registered a case against one of the police officers, under Section 302/34 of the Pakistan Penal Code (dealing with murder committed by several persons with a common interest). According to a press report of 30 January 1981 the police officers responsible had not yet been arrested (Dawn, 30 January 1981).

An unnamed young man was arrested in connection with a theft and taken to the Dajal police station where he "succumbed to police torture" and died. The post mortem revealed that "the deceased was not only kept thirsty and hungry but also beaten up so brutally that there were as many as 30 marks of violence on almost each part of his body" (Dawn, 17 July 1980).

Haji Abdul Majid Tareen, a cloth merchant, died in Quetta on 5 August 1980 while in police custody. Relatives allege that the cause of death was torture; the police state that he died of heart failure. His death led to vocal protests in Quetta. Four police officers were reported to have been arrested under Section 302/34 of the Pakistan Penal Code, and an army inquiry team established to investigate the circumstances of the death. It is not known whether a judicial inquiry has been ordered, or whether the outcome of the army inquiry has been published.

Nasim Mehdi Shah. No details about this death are known beyond those published in the Pakistan press. A former assistant sub-inspector of the Central Intelligence Agency staff from Multan, Ch. Taj Mohammed, escaped from custody. He was "allegedly involved in a case of torturing one Nasim Mehdi Shah to death some-

time back". (Dawn, 29 February 1981).

Kamal Khan died in police custody in Rawal-pindi Station on 21 September 1980. Four police staff on duty were reportedly charged with murder, and "a judicial inquiry was conducted into Kamal's death according to which Kamal was not murdered and he had committed suicide" (Dawn, 19 April 1981). However the full report has not been published.

Hasan Ali died shortly before 10 May 1981. The Gharo police arrested seven people in connection with the murder of Ali Mohammed. All were relatives of the murdered man, and they included Hasan Ali and Mst. Safooran, a mother of six. The police "subjected them to various forms of torture" (Dawn, 11 May 1981). "It is alleged that Hasan Ali was so savagely handled that he had to be rushed to the Civil Hospital, Karachi, where he breathed his last" Medical certificates issued by the Civil Hospital, Karachi, and the District Hospital Thatta, regarding the physical condition of Hasan Ali and Mst. Safooran reportedly confirmed the allegations. On 12 May the District Magistrate of Thatta was reported to have ordered an inquiry but the outcome is not known.

Fatto Shar, a farmer, was allegedly killed in police custody in Sanghar police station. His father-in-law, Walloo Shar, claimed that the Phulhadiyoon police had detained his son-in-law "some time back for inquiry in connection with some theft cases. However, because of heavy beating in the lock-up Fatto died" (Dawn, 4 September 1981). Two policemen were reportedly suspended and an inquiry instituted. The nature of the inquiry and its outcome are not known.

Articles 9 and 10 of the United Nations Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment stipulate that whenever there is reasonable ground to believe that an act of torture has been committed, there shall be "an impartial investigation"; if the allegations appear to be well founded "the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings".

In five of the 10 cases of death under torture reported to Amnesty International, investigations or criminal proceedings have been started. However Amnesty International is not aware of any

case where such proceedings have led to the officials named as responsible being convicted; nor have the findings of the investigations been published in their entirety, as it requested. Amnesty International believes that full publication is an important safeguard against further human rights abuses. Relatives who asked to attend post mortem examinations have been denied access, casting serious doubts on official explanations that the prisoners died of "natural causes".

Conclusion

In recent years Amnesty International has received detailed reports of torture — in some cases ending in death — from a variety of sources all over Pakistan. They include signed statements from released prisoners and their relatives, published accounts in the Pakistan press and legal affidavits from lawyers of political prisoners. In several cases they have been corroborated by medical evidence. Amnesty International concludes that the reports are consistent and reveal a systematic pattern of torture in Pakistan.

Flogging

Several martial law provisions provide for flogging and this punishment has been imposed on many political prisoners involved in normal political activity. Participating in demonstrations, "raising slogans", "making objectionable speeches", taking part in strikes and "having designs to chalk out an action plan on the birthday anniversary of the late Z. A. Bhutto", are all offences under martial law which have been punished by imprisonment and flogging.

Flogging is usually imposed on political prisoners by summary military courts which do not allow the accused to be defended by a lawyer or to appeal. Justice Shafdar Shah, a former judge of the Supreme Court of Pakistan, has reportedly ruled that the imposition of flogging by a summary military tribunal is unconstitutional and constitutes inhuman punishment. Some floggings have been prevented by the High Courts, but since the March 1981 Provisional Constitutional Order was passed sentences can no longer be challenged in a court of law.

One of the first political prisoners to be flogged was Qayyum Nizami, a lawyer, a former

member of the Provincial Assembly, Punjab, and the Central Information Secretary of the PPP. He was arrested on 12 October 1977 and tried the next day before a summary military court. He was sentenced to one year's imprisonment and 10 lashes for engaging in political activities. Without being allowed to appeal he was flogged on 18 October 1977, and had to be taken to hospital for treatment of his wounds. Qayyum Nizami has been imprisoned four times for political activities since the imposition of martial law. Amnesty International adopted him as a prisoner of conscience each time.

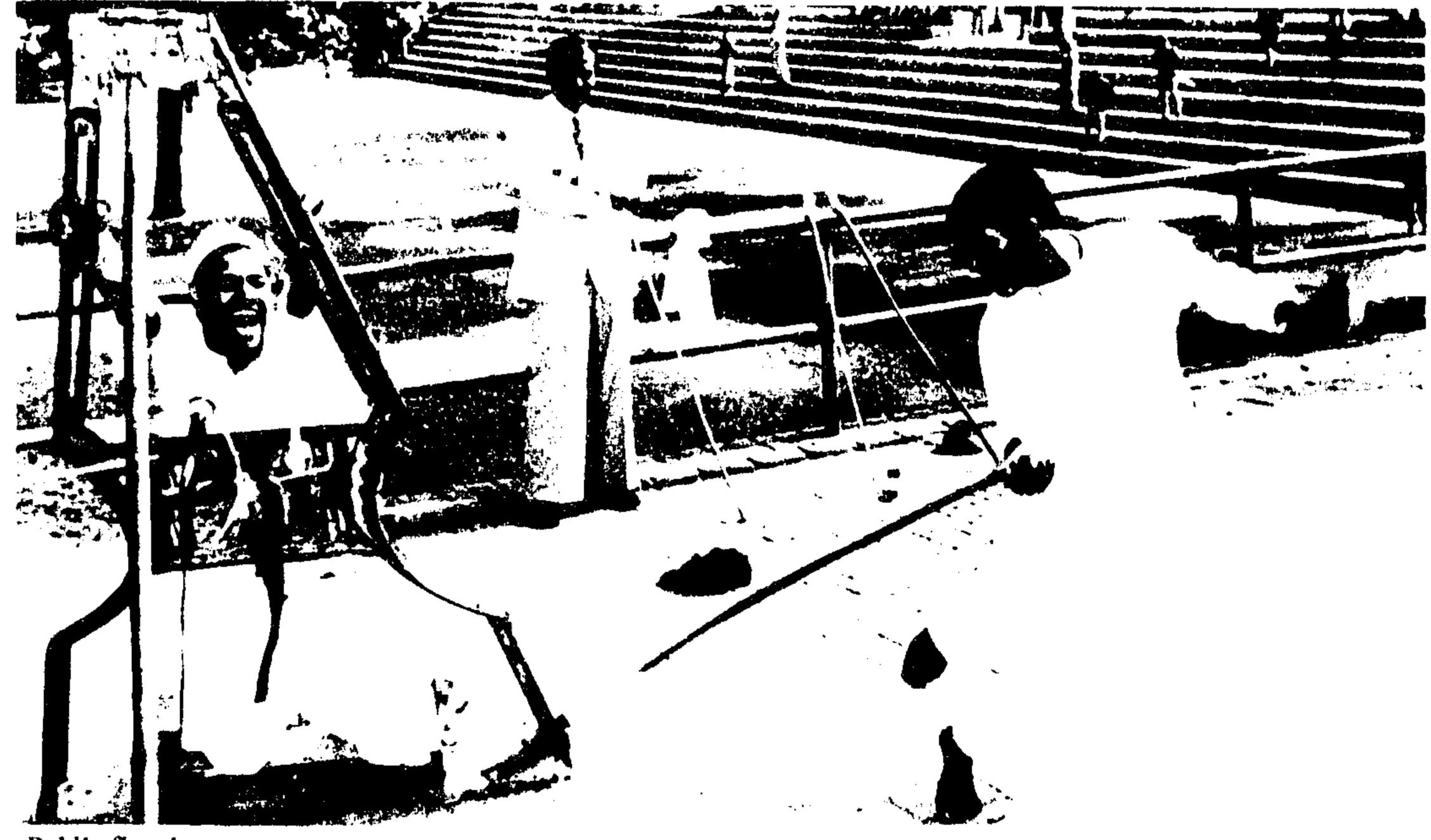
Most of the people flogged for political offences are lesser known political party workers or trade union members whose floggings are not necessarily reported to the press. Amnesty International lists 192 political prisoners sentenced by military courts to be flogged for non-violent political activity. The list is compiled from press reports, mainly in the English language Pakistan press, and covers the period July 1977 to July 1981. Since many sentences are not published it is far from complete. Flogging is being widely used to silence political dissent; "it is doubtful whether there is any justification for this under Islamic law" (International Commission of Jurists Review, December 1979, p.20).

Flogging is prescribed in the Quran for certain

offences, such as fornication or adultery (24:3). Shari'a (Islamic) courts impose floggings for offences such as abduction, fornication and drinking alcohol, punishable under Islamic law. Floggings are also imposed by military courts and sessions judges for a number of criminal offences including rape, hoarding and trading on the black market.

In the months after the 1977 imposition of martial law hundreds of people were sentenced to flogging by summary military courts for participating in ordinary political activities. "At least 700 supporters of Mr Bhutto's People's Party have been whipped in prison yards for offences" (*The Observer*, London, 5 March 1978). Political floggings continued during 1978 and increased sharply after the 16 October 1979 announcement banning all political activity. In the two weeks after the government's announcement at least 200 public floggings were carried out on the orders of mobile military courts, which carried the flogging equipment with them.

Floggings continued in 1980 and 1981. Statistics compiled from press reports show that at least 155 prisoners were sentenced to be flogged during 1980, mainly for criminal offences. Amnesty International learned the name of only one prisoner sentenced for non-violent political



Public flogging

activity that year.

However since the beginning of 1981, and particularly since April 1981, a sharp increase in the number of political floggings has been reported. At least 30 were reported in the English language Pakistan press during the first six months of 1981. Recent examples include Altaf Tunio and Shafi Sarki, who were convicted under Martial Law Regulations 1, 13 and 15 by the summary military court in Hyderabad on 4 April 1981 of "raising objectionable slogans and delivering anti-State speeches" (Dawn, 5 April 1981). They were sentenced to one year's imprisonment with hard labour, and 15 lashes and five lashes respectively. Both men were adopted by Amnesty International as prisoners of conscience. Haji Jan alias Haji Sarwar, Rizwan Ahmed, Saeed Ahmed, Malik Ansar Ahmed and Manur Hussain Suharwardi, were convicted by a summary military court in Karachi on 14 April 1981 of "creating disaffection against army and for having designs to chalk out an action plan on the birth anniversary of late Mr Z. A. Bhutto" (Dawn, 15 April 1981). They were sentenced to six months' imprisonment with hard labour and 10 lashes each under Martial Law Regulation 13. On the same day a summary military court in Hyderabad tried Ghaus Ali Shah and Abdul Sattar Malik under Martial Law Regulations 13 and 33 for "inciting students to boycott their classes and raising objectionable slogans" and sentenced them to one year's imprisonment with hard labour and 10 lashes and five lashes respectively" (*Dawn*, 15 April 1981).

Political prisoners are usually flogged in jail but on 21 April 1981 the President of the summary military court in Sukkur sentenced Hidayat Ali to nine months' imprisonment with hard labour and five lashes in public. He had been convicted under Martial Law Regulation 33 of "raising objectionable slogans against the government and instigating shopkeepers to close their shops and trying to take out a procession" (Dawn, 22 April 1981). Amnesty International does not know whether the flogging was carried out in public.

Mohammed Amin Bhatti, a trade unionist from Lahore and an Amnesty International adopted prisoner of conscience, has been flogged twice for organizing demonstrations to protest against the trial and death sentence of former Prime Minister Bhutto. In March 1978 he was

sentenced to 15 lashes and one year's imprisonment, and on 4 April 1979, the day of Zulfikar Ali Bhutto's execution, he was again sentenced to 15 lashes. Among the political prisoners sentenced to floggings in 1978 were two PPP supporters who were recovering from burns from attempted self-immolation: "In certain floggings the number of lashes has been increased from the usual 10 to as many as 28. Of the seven people who set fire to themselves, four are dead, one is in hospital and two on leaving hospital were sentenced to flogging and imprisonment" (Far Eastern Economic Review, 3 November 1978).

Method

According to the Execution of the Punishment of Whipping Ordinance, 1979, the person appointed to do the flogging "shall apply the whip with moderate force without raising his hand above his head so as not to lacerate the skin of the convict", (Article 5h). The stripes are to spread over the body of the convict, but are not to be applied on the head, face, stomach or the delicate parts of the body of the convict (Article 5j). A doctor is to be present, and before being whipped, the prisoner is to be examined by an army doctor, "so as to ensure that the execution of the punishment will not cause the death of the convict", (Article 5a).

Amnesty International knows of boys of 16 and men of 60 who have been flogged. Age or ill-health does not prevent floggings from being carried out. The Execution of the Punishment of Whipping Ordinance provides: "(b) If the convict is too old or too weak, having regard to the sentence of whipping awarded, the number of stripes shall be applied in such manner and with such intervals that the execution of the punishment does not cause his death".

Amnesty International has received one report that the young son of a left-wing politician, Shamim Ashraf Malik, was flogged inside Kot Lakhpat Jail, Lahore, despite a court order suspending the punishment because he was under age. He was reportedly 14 or 15 years old at the time of the flogging, and Amnesty International has received reports that he has difficulty in walking as a result of the punishment.

Many political prisoners have lost consciousness while being flogged. They are revived by having water thrown over them. Many have had to be carried to hospitals on stretchers. Sher Mohammad was "subjected to 10 lashes in the Central Jail here (Sahiwal) . . . He became unconscious on the last lash and shifted to the jail hospital" (Dawn, 11 August 1981). Losing consciousness means that the prisoner will have to undergo the rest of the punishment later: Article (5)m states: "If, after the execution of the punishment has commenced, the authorized medical officer is of the opinion that there is apprehension of the death of the convict, the execution of the punishment shall be postponed until the authorized medical officer certifies him fit to undergo the remainder of the punishment".



Journalist Nasir Zaidi, chained to a hospital bed, after being flogged in 1978 for "organizing public meetings at an open place", "raising slogans", "displaying banners" and "starting hunger-strike".

Amnesty International knows of several floggings which were administered in instalments. Mohammed Ashraf was sentenced to 25 years' imprisonment and 30 lashes for involvement in the "dismantling of a railway line". He was given 29 lashes, as it was believed he would not survive the last one.

The ordinance provides for the flogging of both men and women. Article 5(1): "The stripes shall be applied in the case of a male, while he is

standing and in the case of a female, while she is sitting".

Article 5(d) provides: "If the convict is a woman who is pregnant, the execution of the punishment shall be postponed until the expiration of a period of two months after the birth of the child or miscarriage, as the case may be".

On 1 September 1980 an additional sessions judge sentenced a married woman, Khadija, and a man, Mohammad Nawaz, to four years' imprisonment and 10 lashes for adultery. This was the first case in which a woman was sentenced to flogging. A woman from Dera Ismail Khan was reported to have been sentenced to 30 lashes and two years' imprisonment (Jang, 25 July 1981). Amnesty International does not know whether these particular floggings have been carried out but it has received unverified reports from the Punjab that women have been flogged there.

Floggings on political prisoners are usually imposed by summary military courts and swiftly executed. Many summary military courts sentence political prisoners in the afternoon and the floggings are carried out immediately afterwards or the next morning. In the past this prevented the civilian courts from intervening; the High Courts often issued orders staying the floggings of political prisoners. Since March 1981 the courts no longer have the power to prevent prisoners from being flogged.

Amputations

Mutilation by cutting off a hand was introduced as a punishment on 11 July 1977. Martial Law Order 5 prescribed the amputation of a hand for theft, robbery and banditry (armed robbery with five or more persons: "dacoity"). On 10 February 1979 the President promulgated a set of orders and ordinances which he said marked the introduction of the Islamic way of life. In his address to the nation he said: "Punishments for theft and robbery are laid down in every society, but Islam has fixed relatively harsher punishments which are designed to act as a deterrent and also aim at reforming the criminals as far as possible". The punishments announced were amputation of the right hand from the joint of the wrist, and, for a second offence, amputation of the left foot up to the ankle (Offences Against Property (Imposition of Hudood Ordinance, 1979)).

Amputation has to be carried out by a qualified surgeon under local anaesthetic, in public or in jail, as directed by the military court imposing the punishment. The sentence must be confirmed by the Chief Martial Law Administrator. According to a statement in the foreign press in February 1979 President Zia-ul-Haq said "that although two sentences of amputation of hands had been imposed under martial law, the penalty had never been carried out". The military courts were reportedly unable to find a surgeon willing to perform the operation. (*International Herald Tribune*, 12 February 1979).

Since the punishment was introduced, 22 prisoners are known to have been sentenced to amputation. Details of their trial and convictions are set out in Appendix 3. The punishments have been imposed by district and sessions judges, Islamic courts, special military courts, a magistrate and an Additional Deputy Commissioner General. On 28 April 1981 a sessions judge in Sanghar ordered the "amputation of right hand and left leg of the accused. Asghar, on charge of stealing a golden necklace" (Dawn, 28 April 1981).

As far as Amnesty International is aware none of these amputations have been carried out. It appealed to the President on each occasion not to carry out the punishment.

Stoning to death

Stoning to death was introduced as a punishment for adultery by the Presidential Ordinance of 10 February 1979 under the Offences of Zina (Enforcement of Hudood) Ordinance, 1979. There are strict rules of evidence — there must be four male Muslim eye-witnesses to the act.

On 23 March 1981 the Federal Shari'a Court held that the punishment of stoning to death (Rajm) was "repugnant to the injunction of Islam". It directed the government to bring the law into conformity with the punishments provided in the Quran, from 31 July 1981. The government has filed an appeal against the Shari'a court's directives, the outcome of which is not known.

Despite the Federal Shari'a Court's ruling, one man was recently sentenced to be stoned to death. On 1 September 1981 the additional district and sessions judge of Karachi, acting in his capacity as an Islamic judge, sentenced Allah Bux, a 24-year-old bus driver from Karachi, to be stoned to death for adultery committed with an 18-year-old student. Both were sentenced under Islamic law for "developing an illicit relationship and later marrying", (The Times, London, 2 September 1981). They were also sentenced to 100 lashes each but the sentence had not yet been confirmed by the Federal Shari'a Court in late 1981.

Amnesty International regards the punishments of flogging, amputation and stoning to death as "cruel, inhuman or degrading treatment or punishment"; as such, they are prohibited under international law. They are contrary to 'Article 5 of the Universal Declaration of Human Rights and to the United Nations declaration against torture. Article 2 of which reads:

"Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights."

The death penalty

Hundreds of Pakistani citizens are executed every year. A growing number are civilians who have been tried by special military courts under martial law. They receive only summary trials, and their executions are carried out without the defendants having the right of appeal. Others have been convicted by civilian courts under civilian law. The number of offences carrying the death penalty has been considerably increased since the July 1977 imposition of martial law, and the rate of executions appears to have risen since March 1981. The March 1981 Provisional Constitution Order (PCO) suspended a number of High Court decisions which had previously stayed executions imposed on civilians by military courts.

Among those executed since 1977 were politicians tried on criminal charges in highly controversial trials. The best-known is former Prime Minister Zulfikar Ali Bhutto, who was tried on a charge of conspiracy to murder a political opponent. Serious doubts about his guilt were expressed by Pakistan's highest judicial body, the Supreme Court, which upheld his death sentence on 6 February 1979 by only a four to three majority. The three dissenting judges argued that Zulfikar Ali Bhutto and his co-defendant Mian Mohammed Abbas should have been acquitted. On 4 April 1979 Zulfikar Ali Bhutto was executed even though no execution had ever before been carried out on the basis of a split decision of the Supreme Court. Four members of the federal security force, alleged to be his accomplices, were also executed.

In 1981 two more men were executed for politically motivated offences. On 9 June 1981 Nazir Ahmed was executed after being convicted of trying to hijack an aircraft in 1978 and on 11 June 1981 student leader Abdul Hameed Baluch was executed after a controversial military trial. Both executions were prompted by the promulgation of the PCO.

All executions are carried out by hanging,

although Shari'a law, introduced in February 1979, provides for stoning to death. One person has been sentenced to stoning to death but, to Amnesty International's knowledge, this method of execution has not been used. Some people have been sentenced to be hanged in public. On 22 March 1978 three men were publicly hanged outside Camp Jail Lahore, after being convicted by a military court of kidnapping and murder. On 13 July 1980 the special military court, Faisalabad, convicted Khalid Mahmood of murdering a soldier and sentenced him to be hanged in public. It is not known whether he was executed in public.

Offences carrying the death penalty

The death penalty is imposed for a wide range of offences, including several which are not crimes against the person. The penal code prescribes the death penalty for offences under Sections 121 (waging war, or abetting the waging of war against the state), 132 (abetting mutiny), 300-302 (murder), 364-A (kidnapping a person under the age of 10, if the intention is to murder or cause grievous harm), and Section 396 (dacoity, i.e. robbery by five or more people). The 1975 Explosive Substances (Amendment) Act of 1975 allows the death penalty for keeping or using explosives. Certain other offences are punishable by death in Pakistan's provinces¹.

Many martial law regulations issued since July 1977 provide for the death penalty. These are: Martial Law Regulation 7, for dacoity (robbery committed by five or more people); Martial Law Regulation 9, attacking or injuring members of the armed forces; Martial Law Regulation 10, damaging or interfering with

I Information provided by Pakistan to the United Nations, Secretary-General's Report, United Nations Economic and Social Council E/1980/9/Add.3, 29 July 1980.

government property; Martial Law Regulation 15, inciting the public to seek the territorial or administrative dismemberment of Pakistan; Martial Law Regulation 16, seducing a member of the armed forces from duty or allegiance to the government; and Martial Law Regulation 34, rape.

Martial Law Regulation 29 prescribes death as the maximum punishment for hijacking or attempted hijacking, and two men, Said Hussain and Nazir Ahmed, have been executed for attempting to hijack an aircraft after being convicted on 5 November 1979 and 9 June 1981 respectively by a special military court under this regulation. On 20 August 1981 the government introduced two ordinances to make hijacking, abetting hijacking or harbouring a hijacker punishable with imprisonment or death under the permanent law of the land: the Pakistan Penal Code (Second Amendment) Ordinance 1981 and the Suppression of Terrorist Activities (Special Courts) Amendment Ordinance 1981. Such cases are to be tried by special courts set up under the Suppression of Terrorist Activities Act.² Five alleged accomplices to the hijacking of a Pakistan International Airlines aircraft on 2 March 1981 have been arrested and were reportedly awaiting trial under the new legislation on 20 August 1981 (Agence France Presse, 20 August 1981).

Islamic laws introduced in February 1979 brought in stoning to death as the punishment for adultery, and the death penalty for sexual offences, rape or sodomy (Offences of Zina (Enforcement of Hudood) Ordinance 1979). On 5 July 1981 a man was reportedly sentenced to death in Rawalpindi on a charge of "committing an unnatural sexual offence on a boy" (The Times, 6 July 1981). This was the first death penalty known to have been passed by an Islamic court for rape or sodomy. Such sentences have to be confirmed by the Federal Shari'a Court. Amnesty International does not know whether this sentence has been carried out. The first sentence of execution by stoning for adultery under the Offences of Zina (Enforcement of Hudood) Ordinance, 1979, was passed on 1 September 1981.

In September 1980 the Federal Shari'a Court—established by the government to rule on whether existing civil or criminal laws contradict Islamic codes of law—held that the death

penalty, as provided by Section 302 of the penal code, was "repugnant to Islamic injunctions". While upholding the death penalty itself as an Islamic punishment, the court ruled that the death penalty as provided in the penal code did not allow for exceptions, as is the case under Islamic law, and it was therefore against the injunctions of Islam. In cases of murder Islamic law allows for a lesser punishment than death if the convict is insane or if the victim is the convict's son. If the relatives of the victim settle for blood money then the person convicted must be freed. The court ruled that its decision would take retroactive effect from 1 April 1980. The effect of the Shari'a court's ruling is unclear: many people have been sentenced to death on murder charges under Section 302 by military courts and sessions judges since the Islamic court's judgment.

Numbers

The Pakistan government does not publish statistics on executions, but it has provided information to the United Nations which shows a sharp rise in the number of executions since the military government took power (See footnote, previous page).

| | Sentenced to death | Executed |
|------|--------------------|----------|
| 974 | 388 | 2 |
| 975 | 349 | 10 |
| 1976 | 286 | 41 |
| 1977 | 133 | 40 |
| 1978 | 263 | 84 |

According to other official statements the number of people executed every year since is far higher. On 1 March 1979 General Zia-ul-Haq reportedly stated that "nearly 400 people had been hanged in Pakistan during the last 18 months". On 8 February 1979 the then Law Minister, A. K. Brohi, was quoted as saying that "about 800 people are hanged in Pakistan yearly".

potential for misuse for political ends by the authorities". (Islamic Republic of Pakistan, an Amnesty International Report, May 1977, pages 46-47.)

² The burden of proof in these special courts has been changed and the normal rules of procedure laid down in Article 24 of the Evidence Act do not apply. Amnesty International has observed: "Special Courts have based a number of convictions solely on confessions made by the accused to the police, allegedly obtained under coercion and later retracted in court Under these circumstances, the act contains wider

The Home Secretary of the Punjab recently stated that "there were 1,250 condemned prisoners in death cells" in the province (Dawn, 23 August 1981). Unofficial sources have confirmed the sharp rise in the number of executions: in a recent interview Tara Masih, an executioner, is reported to have said that he was "hanging more people than ever before in his career, an average of three people every two weeks" (Chicago Tribune, 16 August 1981).

Lack of safeguards

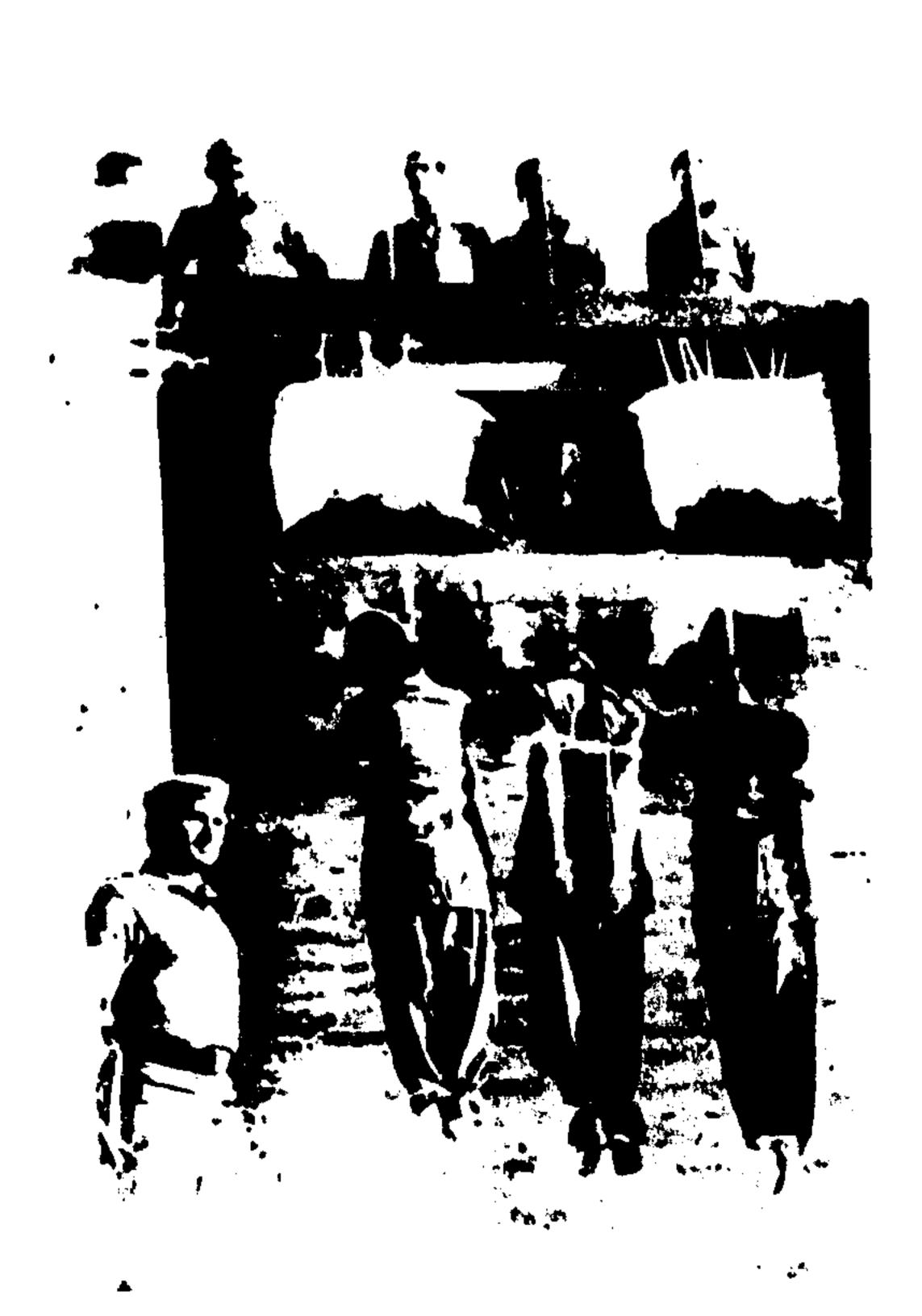
The number of death sentences passed by special military courts has increased. A survey of death sentences reported in one newspaper, Dawn, during the first six months of 1981 revealed that 50 per cent were passed by military courts on civilians. Martial Law Order 72 of 21 October 1979 confirms that there is no right of appeal to an independent tribunal, as specified by international standards, for prisoners sentenced to death by military court. The military trials are by their nature summary: the special military court, Lahore, sentenced Iqbal Ahmed to death after having "completed the trial in record time of one day on 31 May 1980" (Dawn, 17 June 1980). The tribunal is made up of career army officers who have no legal qualifications and cannot be regarded as independent judges. In such circumstances, miscarriages of justice are likely to occur and innocent people may hang.

Death sentences have to be confirmed by the Chief Martial Law Administrator and prisoners have the right to petition the President for clemency (Article 45 of the constitution). Amnesty International knows of only one case in which clemency was granted, and that was by the provincial authorities: on 13 January 1981 the Sind government was reported to have commuted the death sentence imposed on a 65-yearold man, Haji. Amnesty International does not know of a single instance in which President Ziaul-Haq has granted clemency to a person sentenced to death. Responding to press inquiries about his refusal to grant clemency to Zulfikar Ali Bhutto the President said that he had been recommended to reprieve other prisoners sentenced to death. He was reported to have said: "Why consider the case of one person on human considerations and why not of others? Did they not deserve sympathy also?" (Reuters, 1 March

70)

Amnesty International is particularly concerned that the last legal safeguards against miscarriages of justice have now been removed under the PCO which declares void any appeal against a sentence passed by a military court. At least four prisoners sentenced to death by military courts whose executions had been stayed by the High Courts were executed shortly after its promulgation.

The first two men executed as a result of the PCO were Wajid alias Pappu, aged 18, and Naeem Akhtar Shah, who were hanged in Kot Lakhpat Jail on 9 April 1981; both had been convicted by a special military court on charges of banditry and murder in Faisalabad two years earlier. The Lahore High Court had stayed their execution on 12 February 1981 after they had presented a writ challenging their conviction. The PCO suspended the stay order and they were executed.



Public executions

Two political prisoners were executed after the PCO was passed.

Nazir Ahmed was tried by a summary military court for unsuccessfully attempting to hijack an aircraft in January 1978. He was sentenced to death on 4 March 1979 under Martial Law Regulation 29. The Sind High Court stayed his execution when he challenged his conviction by a military court. On 27 May 1981 the newly constituted Supreme Court of Pakistan dismissed his appeal against conviction by a military tribunal (which had been before the court for two years) "as having abated under the Provisional Constitution Order 1981" (Dawn, 27 May 1981). He was hanged in Khairpur District Jail, Sind, on 9 June 1981.

Abdul Hameed Baluch, aged 21, was President of the Karachi branch of the Baluchistan Students Organization. He had been sentenced to death for murdering a recruiting officer of the Sultan of Oman. During his trial before the Special Military Court No. 4 at Turbot, the charge sheet was altered, and the identity of the murdered man was twice changed, after the victim named in the charge sheet was proved to be alive. Abdul Hameed Baluch challenged the conviction and on 8 December 1980 the Baluchistan High Court stayed his execution and ordered him to be tried before a civilian court. The court told prison officials that his execution would be contempt of court. However the Chief Justice of Baluchistan and another judge who had stayed the execution were removed under

the PCO. The newly constituted Baluchistan High Court dismissed the previous stay orders but allowed an appeal to the Supreme Court. Before the Supreme Court had heard the appeal, on 11 June 1981, he was hanged inside Much Jail, despite widespread protests in Quetta.

At least eight others, most allegedly members of the left-wing Baluchistan Students Organization, were awaiting execution in Baluchistan in late 1981 after trial by special military tribunals. They were: Suleman and Qasim, two brothers sentenced by a special military court in Sibi in 1978; Mir Ahmad, Sultan, and Moosa, also sentenced to death by special military court, Sibi, in 1978; Musafar Ali, convicted by special military court, Quetta, in 1978; Abdul Nasir Khan and Mohammad Yousuf, both convicted by the same court. Orders to stay their executions, passed when they challenged their convictions, have been suspended.

In the case of Abdul Nazir Khan Achikzai, another prisoner sentenced to death in Baluchistan, the families of the convicted men and the victim had agreed to a compromise, a measure allowed under Baluchistan tribal law. Nevertheless the special military court in Quetta, sentenced him to death. The High Court of Baluchistan granted a stay of execution but his relatives feared he would be executed after the PCO was passed. They wrote to Amnesty International that there was:

"no door left for legal shelter and protection".

Begum Nusrat Bhutto is the widow of former Prime Minister Zulfikar Ali Bhutto, and a leader of the PPP. She has been held in administrative detention for 28 months since the imposition of martial law.



Begum Nusrat Bhutto

She was first placed under house arrest on 22 December 1977. Released on 14 January 1978 she was again held in January and February to prevent her from leading demonstrations protesting against martial law and against the trial of her husband. She was detained by the Lahore District Magistrate under three consecutive orders between 12 March 1978 and 22 May for making statements about her husband's trial to the press, and a petition challenging her detention before the Lahore High Court was repeatedly deferred.

On 22 May 1978, the day the detention order expired, she was placed under house arrest for three months under Martial Law Order 12. The order was renewed for a further three months on 21 August. On 18 November the Lahore High Court ordered her release.

On 3 December 1978 she was summoned to appear before a disqualification tribunal — set up to investigate allegations of misuse of power by politicians — and banned from politics and from making any political statement. On 12 February 1979 she

was placed under house arrest for one month — not in her home but at the police training camp, Sihala. Despite petitions to the Lahore High Court she was held in Sihala while her husband was executed. She was released on 28 May 1979, but still barred from political activity.

On 16 October 1979 she was detained, with some 50 others, under Martial Law Order 12 when President Zia-ul-Haq cancelled the elections and banned all political activity. On 14 January 1980 she was served with a further three-month detention order. This was lifted on 7 April 1980 just as a petition challenging the legality of her detention was to be heard. On 24 August 1980 she was expelled and banned from the Punjab.

On 8 March 1981 Begum Bhutto was again detained, after the formation of the Movement for the Restoration of Democracy. After the hijacking of an aircraft in March she was held in Karachi Jail, and the Attorney General is reported to have said that she was to be charged with complicity. No evidence has been presented linking the PPP leadership with the March hijacking.

She was set free on 22 July 1981; no official reasons for her arrest or release have been given. Examined by doctors upon her release, she was reportedly found to be suffering from acute kidney trouble and permanent low blood pressure.

Amnesty International adopted Begum Nusrat Bhutto as a prisoner of conscience and appealed for her immediate and unconditional release.

Benazir Bhutto, the daughter of Nusrat Bhutto and a PPP leader, spent 24 months in detention without trial between the imposition of martial law in July 1977 and September 1981.

She was placed under house arrest from 15 December 1977 until 10 January 1978, and on 19 January was sent from Karachi to Lahore. There she was held for five days in January. From 18 March 1978 to 14 June 1978, when the Sind High Court ordered her release, she was under house arrest in Karachi, under three consecutive detention orders.

On 4 October 1978 she was arrested on arrival at Multan airport, then detained with her mother in Islamabad. On 2 January 1979 the detention order was extended for a further three months.

From I April 1979 to 28 May she was held with her mother in the Sihala police camp under successive detention orders under Martial Law Order 12 while her father was executed. On 3 June she was charged



Benazir Bhutto

with making "objectionable speeches", but not arrested. On I September she was charged in Quetta with three martial law political offences.

Like her mother, Benazir Bhutto was arrested on 16 October 1979 when President Zia-ul-Haq cancelled the forthcoming general elections and banned all political activity, and held until 8 April 1980. On 9 June she was charged with violating the ban on political activity by making a speech to the Karachi Bar Association. On 24 August she was expelled and banned from the Punjab.

On 8 March 1981 she was again detained, and was being held in Sukkur Jail in late 1981. Amnesty International has adopted her as a prisoner of conscience.

Air Marshal (retired) Asghar Khan is a former Commander-in-Chief of the Pakistan Air Force (resigned 1965), former President of Pakistan International Airlines (resigned 1967), a senior politician and leader of the *Tehrik-i-Istiqlal* party. He has been detained many times by both military and civilian governments during the past 10 years. By September 1981 he had spent 22 months in administrative detention since the imposition of martial law, mostly under house arrest. Except for the weeks between 18 April 1980 and 29 May 1980 his detention was continuous.

He was one of about 40 people arrested in the Punjab on 16 October 1979 when all political activity was banned. Arrested in Lahore, he was taken to his house in Abottabad, North West Frontier Province, where he was kept under house arrest until 18 April 1980, under Martial Law Order 12.

On 7 May 1980 police in Karachi filed charges against him for calling for the otherthrow of the government. According to a report he had said "General Zia and army rule must be replaced. Zia has no intention of letting democracy function. Any general who might replace him will be the same... As long as this *junta* remains in power, this country suffers" (*Reuters*, 24 April 1981).

On 29 May he was expelled from Karachi and arrested on arrival in Peshawar. The provincial government announced his detention but gave no reason for it. He was not allowed access to a lawyer until 26 June. He was held at his Abot-tabad house until 6 August, when he was taken to Dadar sub-jail. There he was kept in solitary confinement until 3



Air Marshal (retired) Asghar Khan

October, then transferred back to Abottabad, apparently because his health had deteriorated. After his return to Abottabad he was taken to the local military hospital for treatment, and he has been allowed visits by his immediate family. In late 1981 he was still being held under Martial Law Order 78.

He has been adopted by Amnesty International as a prisoner of conscience.

Appendix 2

Floggings for political offences

July 1977 to July 1981

This is a list of 192 prisoners sentenced by military courts for participating in political activities banned under martial law. Nearly all are considered by Amnesty International to be prisoners of conscience. Amnesty International knows that many such floggings have been inflicted inside prisons, but cannot confirm that every sentence has been carried out. Not included are those whose sentences were not reported in the press, and prisoners sentenced to be flogged for offences under the Pakistan Penal Code and Islamic law.

1977

Asif Naseem Rathorne — PPP worker. One year's imprisonment and 10 lashes — summary military court, Rawalpindi. "Organizing an unlawful procession" and "raising objectionable slogans." (August 1977)

Roshan Ali — One year's imprisonment with hard labour and 10 lashes — summary military court, Lahore. MLR 13. Arrested while claiming to be an assailant of the man Zulfikar Ali Bhutto allegedly ordered killed. (September 1977)

Amanullah — son of Mohammad Abdullah, Manzoor Hussain — s/o Taj Din, Nawaz Khan — s/o Fazal Mohammad, Khan Mohammad Asraf — s/o Mohammad Bashir, Roshan Ali — s/o Abdul Rahim — One year's imprisonment with hard labour and 10 lashes — summary military court. "Organizing unlawful gathering" and "raising anti-government slogans". (September 1977)

Mohammad Nasim — s/o Nisar Ahmed — One year's imprisonment with hard labour and five lashes — summary military court. "Organizing unlawful gathering" and "raising anti-government slogans". (September 1977)

Six agitators — One year's imprisonment with hard labour and 10 lashes. "Raising slogans against the government". (September 1977)

Habib-ur-Rehman (PPP nominee for Punjab Assembly) and three other political workers — Six months' imprisonment and five lashes. Making political speeches. (September 1977)

Rehmat Ali — One year's imprisonment with hard labour and 10 lashes — summary military court, Gujranwala. "Making an objectionable speech". (September 1977)

Four political workers — One year's imprisonment with hard labour and 10 lashes. For wearing black badges as a protest against the government. (October 1977)

Mohammad Mansha — Local PPP leader. Six months' imprisonment with hard labour and six lashes. For "making an objectionable speech." (October 1977)

51 agitators — One year's imprisonment with hard labour and 10 lashes. "Raising slogans and leading a procession". (October 1977)

Malik Naseem — One year's imprisonment with hard labour and 12 lashes — summary military court. For criticizing the government. (October 1977)

1978

Eight Pakistani soldiers — "For circulating literature among their comrades condemning the death sentence on Zulfikar Ali Bhutto". (April 1978)

12 marchers — One year in jail with up to 15 lashes each — military court. For taking part in a banned International Labour Day procession. (May 1978)

Sher Mohammad and Mehboob — One year's imprisonment with hard labour and 10 lashes — summary military court, Hyderabad. For staging a hunger-strike "in support of the journalists' demands". (May 1978)

Journalists — Tried under MLRs 5 and 33 for "organizing meetings at an open public place", "raising slogans", "displaying banners" and "starting hunger-strike". (May 1978): Nasir Zaidi (Nawa-i-Multan)

— Nine months' imprisonment with hard labour and five lashes, Rs 3,000 fine. Syed Iqbal Ahmad Jafari (Sun) — Nine months' imprisonment with hard labour and five lashes, Rs 3,000 fine. Khawar

Nacem Hashmi (Musawat) — Nine months' imprisonment with hard labour and three lashes. Masudullah Khan (Pakistan Times) — Six months' imprisonment with hard labour and six lashe, Rs 2,000 fine. (£106) (Execution reportedly stayed). "starting hunger-strike". (May 1978)

Irshad Channa and Mohammad Zaman —One year's imprisonment with hard labour and 10 lashes

— summary military court, Hyderabad. "Observing hunger-strike in support of Lahore journalists' demands". Arrested under MLR 3 and 18. (May 1978)

Five sentenced for supporting journalists, among them Darya Khan and Ghulam Gadir — One year's imprisonment with hard labour and 10 lashes — summary military court, Hyderabad. For "staging a hunger-strike in support of Pakistani journalists". (May 1978)

Shabbir Ahmed — One year's imprisonment with hard labour and 10 lashes — summary military court, Hyderabad. For violating MLR 18, by a 48-hour token hunger-strike in support of striking journalists. (May 1978)

Mohammad Anis — One year's imprisonment with hard labour and 10 lashes — summary military court, Hyderabad. For contravening MLRs 3 and 18, by a 48-hour token hunger-strike in support of the striking journalists. (May 1978)

Sardar Salim — (President of PPP in Rawalpindi and Islamabad, member of the Upper House of Parliament in 1977). Six months' imprisonment and 10 lashes — summary military court, Islamabad. For allegedly organizing public demonstrations for the release of Zulfikar Ali Bhutto. (October 1978)

Eight people — Eight lashes for allegedly inciting two PPP members to sacrifice their lives. (October 1978)

1979

13 cement workers — Six to 12 months' imprisonment and 10 to 15 lashes. For "going on illegal strike" and "causing disturbances". (January 1979)

Mohammad Salim, Ali Anwer of Qamber, Mohammad Fateh of Wahra — PPP supporters. One year's imprisonment with hard labour and 15 lashes — summary military court, Larkana. For "raising objectionable slogans". (February 1979)

13 men — One year's imprisonment with hard labour, a fine and flogging — 104 lashes between them — summary military court, Lahore. For organizing an unlawful meeting. (February 1979)

Javed Mirza — A sub-inspector at Islamabad Police Station. One year's imprisonment with hard labour and 10 lashes — summary military court No. 39. For violating MLR 13. (May 1979)

Mitto Maheri — 15 lashes, Gul Mohammad — 15 lashes, Idrees Mirani — 10 lashes, Hussain Bux — 10 lashes. Summary military court, Badin. For offences under MLO 3, MLR 4, 5, 13 and 14. They were flogged in public. (October 1979)

Akram alias Tidda — One year's imprisonment with hard labour and 10 lashes — summary military court, Sahiwal. For "propagating hatred against the armed forces" under MLO 13. (December 1979)

1980

Ali Mohammad — One year's imprisonment with hard labour and 10 lashes — summary military court, Karachi. For "possessing pamphlets containing objectionable material". (March 1980)

Four people — One year's imprisonment with hard labour and 10 lashes — summary military court. Under MLR 3.

Two men — One year's imprisonment and flogging. For shouting anti-government slogans. (September 1980)

1981

Altaf Tunio — One year's imprisonment with hard labour and 15 lashes — summary military court, Hyderabad. For "raising objectionable slogans and delivering anti-state speeches". (April 1981)

Shafi Sarki — One year's imprisonment with hard labour and five lashes — summary military court, Hyderabad. For "raising objectionable slogans and delivering anti-state speeches". (April 1981)

Abbasali — Student. One year's imprisonment with hard labour and 10 lashes — summary military court, Dadu. For "raising objectionable slogans, creating disturbances in educational institutions and anti-state activities". (April 1981)

Ghous Ali Shah — One year's imprisonment with hard labour and 10 lashes and a fine of Rs 20,000 — summary military court, Hyderabad. For "creating disturbances in educational institutions" and "instigating students for subversive activities". (April 1081)

Sattar Maryo — One year's imprisonment with hard labour and five lashes. Same charge and trial as Ghous Ali Shah.

Haji Jan (Haji Sarwar) s/o Qabil Khan, Rizwan Ahmed s/o Abdul Ghani, Saeed Ahmed s/o Umrao Ali, Malik Ansar Ahmed s/o Malik Afzal, Manur Hussain Suharwardi s/o Ahmed Hussain S. — Six month's imprisonment with hard labour and 10 lashes — summary military court, Karachi. For "creating disaffection against army and for having designs to chalk out an action plan on the birth anniversary of late Mr Z. A. Bhutto". (April 1981)

Malik Ali Bucha — One year's imprisonment with hard labour, 10 lashes and a fine of Rs 500,000 — summary military court, Multan. For "objectionable speech delivered by him at a meeting in Multan". (April 1981)

Mohammad Hassan Rajar — One year's imprisonment with hard labour and 10 lashes — summary military court, Hyderabad. For "raising objectionable slogans". (April 1981)

Hidayat Ali s/o Illahi Bux — Nine months' imprisonment with hard labour and five lashes in public — summary military court, Sukkur. For "raising objectionable slogans against the government and

instigating shopkeepers to close their shops and trying to take out procession". (April 1981)

Abubakar Zardari, Qamar Rajpar — One year's imprisonment with hard labour, 10 lashes and a fine of Rs 20,000 each — summary military court. For "raising objectionable slogans" under MLRs 13 and 33. (April 1981)

Rehmatullah Jassani, Qamar Bhatti — One year's imprisonment, 10 lashes and a fine of Rs 5,000 and Rs 10,000 respectively — summary military court. For "raising objectionable slogans" under MLRs 13 and 33. (April 1981)

Rasul Baksh, Mujeebur Rehman — One year's imprisonment, 15 lashes and a fine of Rs 25,000 each.

Khan Mohammad Laghari — One year's imprisonment, 10 lashes and a fine of Rs 15,000.

Summary military court, Hyderabad. For "raising objectionable slogans", under MLRs 13 and 33. (May 1981)

Seven student leaders of Giya Sind Students Federation — Rasul Baksh, President of the Students Federation, and Sheikh Mujeeb, the Joint Secretary, were among those flogged. Three of the leaders were given 15 lashes, one student received 10 lashes, three others were given five lashes each. Summary military court, Karachi. For "bringing out an illegal procession and setting fire to buses". (May 1981)

Ghulam Sarwar, Sikandar, Ali — Students. Nine months' imprisonment and five lashes each — summary military court, Sukkur. For possessing "objectionable literature and trying to spread separatism among provinces". (June 1981)

Appendix 3

Sentences of amputation

The following people were sentenced to amputation between July 1977 and July 1981. To Amnesty International's knowledge, none of these sentences had been carried out by late 1981.

1978

Saifullah and Riaz Mahmood and Gulab Khan—Amputation of hand—special military court, Karachi. For bank robbery. (May 1978). Reduced to hard labour for 10 years.

1979

Altaf Hussein Khokhar — Amputation of hand. For theft. (April 1979)

Tayyab Ahmed and Sikandar Masih — Amputation of right hand and left foot — Islamic court. For bank robbery. (May 1979) Sentence suspended by Additional Sessions Judge, Sahiwal.

Allah Ditta — Amputation of right hand — Shari'a court, Okara. For bank robbery. (May 1979) Sentence suspended by District and Sessions Judge, Sahiwal.

Ghulam Mustafa — Amputation of right hand in public — Shari'a court, Pakpattan. For theft of items worth Rs 1,300 (£69). (May 1979)

Mustafa Shah — Amputation of hand — Shari'a court, Pakpattan. For theft. (May 1979). Sentence suspended by District and Sessions judge.

Majoo Shah (alias Mazhar) — Amputation of right hand — Sessions Judge, Sukkur, under Islamic law. For theft. (July 1979) Sentence set side by Sind High Court.

Mohammad Nawaz — Amputation of right hand — Magistrate Section 30, Lahore. For fraud (running away with clothes containing Rs 2,500. (September 1979)

Fida Hussain — Amputation of right hand — Additional Deputy Commissioner-General. For stealing a motor cycle. (October 1979)

Khan Mohammad and Talib Sheikh — Amputation of hand — District and Sessions Judge, Sanghar. For theft. (November 1979)

Ghulam Ali — Amputation of right hand — Shari'a court, Okara. For theft. (November 1979)

1980

Mohammad Duta — Amputation of right hand — court in Khairpur. For theft. (September 1980)

Latif Ullah and Ghulam Ullah — Amputation of right hand — Sessions court. For theft. (October 1980) Reduced to seven years' imprisonment by Federal Shari'a Court.

Faqir Mohammad — Amputation of hand and one year's imprisonment with hard labour — Magistrate. Set aside by Additional Sessions Judge, Faisalabad. (December 1980)

Hussain Mahesar — Amputation of right hand — Additional Session Judge, Dadu. For theft. (December 1980)

1981

Lal Bux — Amputation of right hand — Session Judge, Dadu. For theft. Set aside by Federal Shari'a Court, Islamabad. (February 1981)

Ali Asghar — Amputation of right hand and left leg — Sessions Judge, Sanghar. Appeal before Federal Shari'a Court. (April 1981)

Amnesty International—a worldwide campaign

In recent years, people throughout the world have become more and more aware of the urgent need to protect human rights effectively in every part of the world.

- Countless men and women are in prison for their beliefs. They are being held as prisoners of conscience in scores of countries—in crowded jails, in labour camps and in remote prisons.
- Thousands of political prisoners are being held under administrative detention orders and denied any possibility of a trial or an appeal.
- Others are forcibly confined in psychiatric hospitals or secret detention camps.
- Many are forced to endure relentless, systematic torture.
- More than a hundred countries retain the death penalty.
- Increasingly, political leaders and ordinary citizens are becoming the victims of abductions, "disappearances" and killings, carried out both by government forces and opposition groups.

An international effort

To end secret arrests, torture and killing requires organized and worldwide effort. Amnesty International is part of that effort.

Launched as an independent organization over 20 years ago, Amnesty International is open to anyone prepared to work universally for the release of prisoners of conscience, for fair trials for political prisoners and for an end to torture and executions.

The movement now has members and supporters in more than 150 countries. It is independent of any government, political group, ideology, economic interest or religious creed.

It began with a newspaper article, "The Forgotten Prisoners", published on 28 May 1961 in *The Observer* (London) and reported in *Le Monde* (Paris).

Announcing an impartial campaign to help victims of political persecution, the British lawyer Peter Benenson wrote:

Open your newspapers any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government.... The newspaper reader feels a sickening sense of impotence. Yet if these feelings of disgust all over the world could be united into common action, something effective could be done.

Within a week he had received more than a thousand offers of support—to collect information, publicize it and approach governments. The groundwork was laid for a permanent human rights organization that eventually became known as Amnesty International. The first chairperson of its International Executive Committee (from 1963 to 1974) was Sean MacBride, who received the Nobel Peace Prize in 1974 and the Lenin Prize in 1975.

PAKISTAN 53

The mandate

Amnesty International is playing a specific role in the international protection of human rights.

It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed *prisoners of conscience*.

It works for fair and prompt trials for all political prisoners and works on behalf of such people detained without charge or trial.

It opposes the *death penalty* and *torture* or other cruel inhuman or degrading treatment or punishment of *all prisoners* without reservation.

This mandate is based on the civil and political rights set down in the United Nations Universal Declaration of Human Rights and it reflects the belief that these rights transcend the boundaries of nation, race and belief.

Through its practical work for prisoners, Amnesty International participates in the wider promotion and protection of civil, political, economic, social and cultural rights.

Amnesty International does not oppose or support any government or political system. Its members around the world include supporters of differing systems who agree on the defence of all people in all countries against imprisonment for their beliefs, and against torture and execution.

Amnesty International at work

The working methods of Amnesty International are based on the principle of international responsibility for the protection of human rights. The movement tries to take action wherever and whenever there are violations of those human rights falling within its mandate. Since it was founded, Amnesty International groups have intervened on behalf of more than 20,000 prisoners in over a hundred countries with widely differing ideologies.

A unique aspect of the work of Amnesty International groups—placing the emphasis on the need for international human rights work—is the fact that each group works on behalf of prisoners held in countries other than its own. At least two prisoner cases are assigned to each group; the cases are balanced geographically and politically to ensure impartiality.

There are now over 2,500 local Amnesty International groups throughout the world. There are national sections in 40 countries (in Africa, Asia, the Americas, Europe and the Middle East) and individual members, subscribers and supporters in a further 111 countries. Members do not work on cases in their own country. No section, group or member is expected to provide information on their own country and no section, group or member has any responsibility for action taken or statements issued by the international organization concerning their own country.

Continuous research

The movement attaches the highest importance to balanced and accurate reporting of facts. All its activities depend on meticulous research into allegations of human rights violations. The International Secretariat in London (with a staff of 150, comprising nearly 30 nationalities) has a research department which collects and analyses information from a wide variety of sources. These include hundreds of newspapers and journals, government bulletins, transcriptions of radio broadcasts, reports from lawyers and humanitarian organizations, as well as letters from prisoners and their families. Amnesty International also sends fact-finding missions for on-the-spot investigations and to observe trials, meet prisoners and interview government officials. Amnesty International takes full responsibility for its published reports and if proved wrong on any point is prepared to issue a correction.

Once the relevant facts are established, information is sent to national sections and groups for action. The members then start the work of trying to protect the individuals whose human rights are reported to have been violated. They send letters to government ministers and embassies. They organize public meetings, arrange special publicity events, such as vigils at appropriate government offices or embassies,

and try to interest newspapers in the cases they have taken up. They ask their friends and colleagues to help in the effort. They collect signatures for international petitions and raise money to send relief, such as medicine, food and clothing, to the prisoners and their families.

A permanent campaign

In addition to casework on behalf of individual prisoners, Amnesty International members campaign for the abolition of torture and the death penalty. This includes trying to prevent torture and executions when people have been taken to known torture centres or sentenced to death. Volunteers in dozens of countries can be alerted in such cases, and within hours hundreds of telegrams and other appeals can be on their way to the government, prison or detention centre.

In its efforts to mobilize world public opinion, Amnesty International neither supports nor opposes economic or cultural boycotts. It *does* take a stand against the international transfer of military, police or security equipment and expertise likely to be used by recipient governments to detain prisoners of conscience and to inflict torture and carry out executions.



Symbol of Amnesty International

Amnesty International does not grade governments or countries according to their record on human rights. Not only does repression in various countries prevent the free flow of information about human rights abuses, but the techniques of repression and their impact vary widely. Instead of attempting comparisons, Amnesty International concentrates on trying to end the specific violations of human rights in each case.

Human rights have been violated not only by governments, but also by political groups. People have been taken prisoner and held hostage; torture has been inflicted and executions carried out in the name of different political causes. Amnesty International opposes these acts in all cases, whether they are perpetrated by government forces or opposition groups. It believes that international standards for the protection of human rights and the humane treatment of prisoners should be universally respected.

Policy and funds

Amnesty International is a democratically run movement. Each year major policy decisions are taken by an International Council comprising representatives from all the national sections. They elect an International Executive Committee to carry out their decisions and supervise the day-to-day running of the International Secretariat.

The organization is financed by its members throughout the world, by individual subscriptions and donations. Members pay fees and conduct fund-raising campaigns—they organize concerts and art auctions and are often to be seen on fund-raising drives at street corners in their neighbourhoods.

Its rules about accepting donations are strict and ensure that any funds received by any part of the organization do not compromise it in any way, affect its integrity, make it dependent on any donor, or limit its freedom of activity.

The organization's accounts are audited annually and are published in its annual report.

Amnesty International has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe. It has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States and is a member of the coordinating committee of the Bureau for the Placement and Education of African Refugees of the Organization of African Unity.

Other Amnesty International reports

The following list includes a selection of reports issued since 1976. For a complete list, write to Amnesty International Publications, London.

AMNESTY INTERNATIONAL REPORT

This annual report provides a complete country-by-country survey of Amnesty International's work to combat political imprisonment, torture and the death penalty throughout the world. The report is arranged in regional sections and normally covers developments in at least 100 countries.

This is probably the most widely read—and most influential—of the many reports published by Amnesty International each year.

Now available: the Amnesty International Report 1981. This 428-page report, illustrated with regional maps for easy reference, covers the period I May 1980-30 April 1981. First published 10 December 1981. £5.00. English, French, Spanish.

AMNESTY INTERNATIONAL NEWSLETTER

This monthly bulletin provides a regular account of Amnesty International's work: the latest reports of fact-finding missions, details of the arrest and release of political prisoners, reliable reports of torture and executions. It also gives practical information for Amnesty International supporters: each issue includes appeals on behalf of prisoners of conscience and victims of torture around the world.

The newsletter is written—without political bias—for human rights activists throughout the world. It is widely used by journalists, students, political leaders, doctors, lawyers and other professionals.

Individual subscriptions: £5.00 (US\$12.50) a year. English, French, Spanish.

HOW TO ORDER THESE REPORTS

If you live in a country where a national section of Amnesty International has been formed, you can obtain all these reports from the section. Section addresses are available from the International Secretariat.

If there is no national section in your country, you can order these reports direct from the International Secretariat of Amnesty International:

- select the publications you wish to order
- note the listed price
- make out a money order or bank draft payable to AMNESTY INTERNATIONAL for the total price of all the publications
- Send your order and payment to AMNESTY INTERNATIONAL 10 SOUTHAMPTON STREET LONDON WC2E 7HF UNITED KINGDOM

THE DEATH PENALTY

This unique study of the ultimate punishment examines the laws and methods by which people can be put to death in 134 countries. The 206page report draws on more than a decade of research, using official and unofficial sources. Devoted mainly to country-by-country survey of legislation and practice, the report also covers the phenomena of "disappearances" and summary executions through which suspected political opponents have been eliminated in large numbers by repressive regimes. First published 1979; illustrated. £2.00. English, French, Spanish.

PRISONERS OF CONSCIENCE

Who are today's prisoners of conscience and why are they in jail? This 48-page report highlights cases in 15 countries and offers an excellent introduction to worldwide efforts to free them. First issued 1981. £2.00. English, Spanish.

Africa

GUINEA

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1978. £0.40. English, French, Spanish.

HUMAN RIGHTS VIOLATIONS IN ETHIOPIA

An account of political killings, the destruction of the rule of law, political imprisonment, prison conditions, the use of torture and the death penalty. First issued 1977. 26 pages. £0.50. English, French.

HUMAN RIGHTS IN UGANDA

An examination of human rights violations during the presidency of Idi Amin, including the overthrow of the rule of law, murder of judges, public executions, killings and torture. First issued 1978. 25 pages. £0.50. English, French.

HUMAN RIGHTS IN ZAIRE

Details on political prisoners and their conditions, torture, extrajudicial executions and the use of the death penalty, together with the political and legal background. First issued 1980. 22 pages. £1.00. English, French.

NAMIBIA

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1977. £0.40. English, French.

POLITICAL IMPRISONMENT IN SOUTH AFRICA

A detailed report, including photographs and case histories, on the political and legal background to human rights violations, the treatment of prisoners, killings, use of torture and the death penalty. First issued 1978. 108 pages. £1.00. English, French.

The Americas

DISAPPEARED PRISONERS IN CHILE

A dossier on political prisoners held in secret detention camps. It comprises background information on "disappeared" prisoners, appeals from their relatives, a selection of case histories and numerous photographs. First issued 1977. £1.45. English, French, Spanish.

GUATEMALA: A GOVERN-MENT PROGRAM OF POLI-TICAL MURDER

Eye-witness testimony, on political abductions and killings directed from secret offices in an annex of the presidential palace. First issued 1981. 32 pages, illustrated. £2.00. English, French, Spanish.

MEMORANDUM SUBMITTED TO THE GOVERN-MENT OF THE REPUBLIC OF CUBA

Findings and recommendations of a mission that visited Havana in 1977 to examine questions of long-term political prisoners, prison regimes, the situation of released prisoners and the application of the death penalty. First issued 1978. Eight pages. £0.50. English, Spanish.

PARAGUAY

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1978. £0.40. English, French, Spanish.

PERU

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1979. £0.40. English, French, Spanish.

POLITICAL IMPRISONMENT IN URUGUAY

A dossier of documents on political imprisonment, law and justice for political prisoners, detention conditions, ill-treatment and torture, with 14 case histories. First issued 1979. £0.40. English, French, Spanish.

PROPOSAL FOR A COM-MISSION OF INQUIRY IN-TO THE EFFECTS OF DOMESTIC INTELLIGENCE ACTIVITIES ON CRIMINAL TRIALS IN THE UNITED STATES OF AMERICA

A 144-page study of misconduct in the cases of convicted minority militants. First issued 1981. £3.00. English.

TESTIMONY ON SECRET DETENTION CAMPS IN ARGENTINA

Testimony of two detention camp victims, including detailed information about their fellow prisoners; list of prisoners and correspondence to and from government officials about missing people. First issued 1980. 60 pages. £1.00. English, Spanish.

Asia

ALI LAMEDA: A PERSONAL ACCOUNT OF THE EXPERIENCE OF A PRISONER OF CONSCIENCE IN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

The personal story of a Venezuelan poet and Communist Party member subjected to six years' political imprisonment in North Korea. First issued 1979. 39 pages. £0.50. English, French.

INDONESIA

A detailed account of political imprisonment between 1965 and 1976, including description of trials, prison conditions and forced labour, permanent post-release "resettlement" and case histories. First issued 1977, 146

pages. £2.00. English, French, Indonesian.

POLITICAL IMPRISON-MENT IN THE PEOPLE'S REPUBLIC OF CHINA

A major report on the constitutional, legal and penal systems under which political dissenters have been detained, interrogated, tried and punished. First issued 1978. 171 pages, illustrated. £2.00. English, French, Spanish.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO BANGLADESH

Representations to the Bangladesh Government reflecting Amnesty International's concern about trials of civilians by martial law courts and the execution of military personnel. First issued 1978. 20 pages. £0.50. English.

REPUBLIC OF KOREA: VIO-LATIONS OF HUMAN RIGHTS

The report that launched a worldwide campaign against human rights abuses inflicted on South Korean dissenters. First issued 1981. 44 pages. £2.00. English, Spanish.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO THE FEDERATION OF MALAYSIA

An examination in 1978 of Malaysia's Internal Security Act, under which political prisoners, including members of political parties and trade unions, have been held without charge or trial and tortured. First issued 1979. 67 pages. £0.50. English.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO INDIA

The findings and recommendations of an investigation following the 1975-1977 Indian Emergency. First issued 1979. 84 pages. £1.00. English.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO THE REPUBLIC OF THE PHILIPPINES

Second edition of the conclusions of a mission in 1975 together with the government's reply and Amnesty International's comments. Includes interviews with prisoners and an examina-

tion of the incidence of torture and other violations of human rights. First issued 1977. 95 pages. £2.00. English, Spanish.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO SINGAPORE

Report of a mission in 1978 plus recommendations to the government. An examination of preventive detention, trials, arrest and interrogation, prison conditions, torture and the use of the death penalty. First issued 1978. 60 pages. £2.00. English.

SHORT REPORT OF AN AM-NESTY INTERNATIONAL MISSION TO THE ISLAMIC BEDLIE IC OF PAKISTAN

REPUBLIC OF PAKISTAN
Findings of a mission in 1978 that documented martial law provisions curtailing fundamental freedoms and the infliction of harsh punishments by military courts on civilians for exercising the right of free speech. First issued 1978. 24 pages. £0.50. English, French.

TAIWAN (REPUBLIC OF CHINA)

A 14-page briefing on political imprisonment, torture and the death penalty. First issued 1976; second edition 1980. £0.40. English, French, Chinese.

VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN THE DEMOCRATIC REPUBLIC OF AFGHANISTAN

A report, released in September 1979, on consistent violations: widespread arrests, torture, "disappearances" and deaths in detention between April 1978 and May 1979. 34 pages. £0.50. English.

Europe

CZECHOSLOVAKIA

A 20-page briefing on political imprisonment and the death penalty. First issued 1981. £0.60. English, French.

GERMAN DEMOCRATIC RE-PUBLIC

A 12-page briefing on political imprisonment and the death penalty.

First issued 1977; second edition 1981. £0.60. English, French, Spanish.

TORTURE IN GREECE: THE FIRST TORTURERS' TRIAL 1975

A rare insight into the inner clockwork of a torture state, this 98-page report analyses a contemporary example of the possibility of submitting accused torturers to due process of law. First issued 1977. £0.85. English, French, Spanish.

ROMANIA

A 19-page briefing on political imprisonment and the death penalty. First issued 1980. £0.60. English, French, Spanish.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO NORTHERN IRELAND

The findings and recommendations of a mission in 1977 that investigated allegations of ill-treatment of detainees and called for a public inquiry. First issued 1978, 72 pages, £1.00. English.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO SPAIN

First published in November 1980, the findings of a mission that examined the treatment of security detainees, plus Amnesty International's recommendations to prevent torture. 68 pages. £3.00. English, Spanish.

TURKEY

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1977. £0.40. English, French.

PRISONERS OF CONSCIENCE IN THE USSR: THEIR TREATMENT AND CONDITIONS

This 200-page report, containing photographs of prisoners of conscience and camps in which they are held, examines Soviet laws and their application to dissenters and includes new material on the treatment of dissenters in psychiatric institutions. First issued 1975; second edition 1980. £5.00. English, French, Spanish.

Middle East

LAW AND HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

An examination of legal procedures, revolutionary tribunals, offences and post-revolutionary executions during the first seven months after the 1979 revolution. First issued 1980. 216 pages. £10.00. English.

IRAQ: EVIDENCE OF TOR-TURE

This report, published after painstaking research into allegations of political torture, presents detailed findings in 15 cases and calls for the protection of all detainees. First issued 1981. 44 pages, illustrated. £2.00. English, French.

MOROCCO

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1977. £0.40. English, French.

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1976. £0.40. English, French, Arabic.

REPORT AND RECOM-MENDATIONS OF AN AM-NESTY INTERNATIONAL MISSION TO THE GOVERN-MENT OF THE STATE OF ISRAEL

Report of a mission in 1979 that examined allegations of ill-treatment in the Occupied Territories and legal procedures used. Includes Amnesty International's recommendations, the government's reply and Amnesty International's comments on it. First issued 1980. 71 pages. £2.00. English, French.

SYRIA

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1979. £0.40. English, French, Spanish, Arabic.