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Millions suffer in 'human rights free zone' in Northwest Pakistan

Millions of Pakistanis in the northwest tribal areas live in a human rights free zone where they have no legal protection from the government and are subject to abuses by the Taleban, Amnesty International said in a major report released today.

“Nearly 4 million people are effectively living under the Taleban in Northwest Pakistan without rule of law and effectively abandoned by the Pakistani government,” said Claudio Cordone, Amnesty International’s interim Secretary General.

The 130-page report, ‘As if Hell Fell on Me’: The Human Rights Crisis in Northwest Pakistan, is based on nearly 300 interviews with residents of the Federally Administered Tribal Areas (FATA) and adjacent areas of the Northwest Frontier Province (NWFP). The report gives voice to those whose experiences are rarely reported and reveals the abuses faced by the region’s residents.

“There are still more than 1 million people who were displaced from their homes in Pakistan’s northwest tribal belt by the conflict with the Taleban whose plight is largely ignored and are in desperate need of aid,” said Claudio Cordone.

Amnesty International’s review of available information also suggests that at least 1,300 civilians were killed in the fighting in northwest Pakistan in 2009, from a total of more than 8,500 casualties (including combatants).

The report documents the systematic abuses carried out by the Taleban as they established their rule by killing those who challenge their authority, such as tribal elders and government officials. They imposed their rule through torture and other ill-treatment, targeting teachers, aid workers and political activists. The Taleban have particularly targeted women and schools and health clinics catering to their needs.

Amnesty International was told of Taleban insurgents blocking roads to prevent civilians from escaping as villages fell under heavy bombardment by government forces. The insurgents also increased the likelihood of civilian casualties by dispersing themselves among civilians and in and around schools.

Successive Pakistani governments have treated the tribal areas bordering Afghanistan with disdain, ignoring the rights of the area’s residents, particular in FATA. Over the past decade, Pakistan’s government has veered from appeasing the Pakistani Taleban through a series of failed “peace deals” to launching heavy handed military operations that include indiscriminate or disproportionate attacks.

The USA use of drones to target insurgents in northwest Pakistan has generated considerable resentment inside Pakistan. Amnesty International has called on the USA to clarify its chain of command and rules of

engagement for the use of drones and ensure proper accountability for civilian casualties.

Many displaced residents of the area told Amnesty International that they had suffered under the Taleban and felt abandoned by the Pakistani government. In the words of one teacher who fled Swat with his family in March 2009:

The government just gave away our lives to the Taleban. What's the point of having this huge army if it can't even protect us against a group of brutal fanatics? They took over my school and started to teach children about how to fight in Afghanistan. They kicked out the girls from school, told the men to grow their beards, threatened anybody they didn't like. Our government and our military never tried to protect us from this.

The residents of FATA continue to be governed by a colonial-era law, the Frontier Crimes Regulation (FCR) of 1901, which denies basic constitutional rights and protections for the residents of FATA,, including their rights to political representation, judicial appeal, and freedom from collective punishment.

“For years, FATA has been treated as a stage for geopolitical rivalries and is currently in focus because of the conflict in neighbouring Afghanistan and the search for al-Qa’ida, rather than the rights of the people living there,” said Claudio Cordone. “The Pakistani government should not just respond using military force; it needs to provide and protect the basic rights of its citizens living there.”

The FCR gives a government-appointed Political Agent ultimate judicial and executive authority, including the ability to carry out communal punishment, including formal detention, by holding all members of a tribe potentially responsible for alleged infractions committed by any tribe member.

The Constitution of Pakistan of 1973 explicitly excludes FATA from the legal, judicial and parliamentary system of Pakistan, including barring residents from full representation in parliament and bringing appeals to a higher court outside the territory.

The government of Pakistan has recently promised to reform the FCR but this has not yet happened.

“The Pakistani government has to follow through on its promises to bring the region out of this human rights black hole and place the people of FATA under the protection of the law and constitution of Pakistan,” said Claudio Cordone. “There is no quick fix for decades of misrule and the conflict of the past few years, but the road to recovery starts with recognizing the rights of the people of FATA.”

Amnesty International urges both the Pakistani government and the Taleban to comply with international humanitarian law by taking all measures to prevent loss of civilian life and buildings including hospitals and schools and allowing unfettered NGO access to provide food, shelter and medical supplies to the injured and displaced.