

Pakistan

2008 was a tumultuous year for Pakistan. Elections in February that ushered in a return to civilian rule were followed by the formation and rapid collapse of a coalition government, the forced resignation of former army chief Pervez Musharraf as president after nearly nine years in power, and the ascension to the presidency in September of Asif Zardari, the controversial widower of assassinated Pakistan People's Party (PPP) leader Benazir Bhutto. The new civilian government inherited a dramatically worsening security situation and skyrocketing food and fuel prices.

The new government initially agreed to an uneasy cohabitation with Musharraf and accepted demands from the army for transfer of power on the basis of "legal continuity," whereby the new government would not challenge the legal basis of Musharraf's rule nor attempt to hold him or the army legally accountable for Musharraf's coups and abuses during his time in power. Many arbitrary measures enacted under emergency rule can only be rolled back through constitutional amendments that require a two-thirds majority in both chambers of parliament. Musharraf was forced out in August 2008, but Zardari inherited all the powers Musharraf had accrued.

Since the civilian government came to power, civil and political rights protections have improved. Media restrictions have been revoked, opposition rallies and demonstrations have been allowed to proceed without government hindrance or violence, and military personnel have been withdrawn from civilian administrative and political positions. The government has emphasized dialogue to resolve the political dispute between the federal government and Balochistan province and to extend meaningful political rights to the troubled tribal areas bordering Afghanistan.

While the new government has been keen to promote civil liberties and human rights, its rhetoric has not always been matched by action. Ongoing structural concerns include lack of an independent judiciary and fair trials; mistreatment,

torture, and unresolved enforced disappearance of terrorism suspects and opponents of the previous military government; military abuses in operations in the tribal areas; the failure to commute death sentences; and legal discrimination against and mistreatment of religious minorities and women.

Elections

On February 18, 2008, Pakistanis went to the polls to vote in elections for the National Assembly (the lower house of parliament). The elections took place in a period of tumult, after President Musharraf's imposition in November 2007 of a state of emergency, his controversial and illegal November 2007 reelection, his sacking and arrest of many Supreme Court and other senior judges, and the December 27 assassination of former prime minister Benazir Bhutto. In a rebuke to Musharraf, major opposition parties made serious gains and formed a short-lived coalition government.

The pre-election period was marred by widespread electoral manipulation and a concerted attempt by the government to prevent or reduce the scale of an opposition victory. Human Rights Watch documented the abuses and released an audio tape of Musharraf's attorney general speaking of his awareness of a plan to "massively rig" the elections. The European Union Election Observer Mission concluded that the elections "fell short of a number of international standards for genuine democratic elections."

Judicial Independence

Upon assuming power, the government released all judges detained by Musharraf and restored their salaries. Most of the 42 judges fired by Musharraf returned to work under a deal with the PPP-led government that required them to take a fresh oath of office under the constitution.

However, despite repeated public assertions to the contrary, President Zardari reneged on commitments and his signed agreement with opposition leader Nawaz Sharif to restore to office deposed Supreme Court Chief Justice Iftikhar Muhammad

Chaudhry, who had been arbitrarily fired and detained by Musharraf during emergency rule.

The lawyers' movement, which rose to prominence in 2007, has weakened as a political force since the advent of an elected government but retains significant support in the legal fraternity and in civil society.

Balochistan

The Pakistani government apologized in 2008 to the people of Balochistan for excesses and abuses under Musharraf, released high-profile political prisoners in the province, and affirmed its intention to reach a rights-respecting political compact between the Pakistani federation and the province. These overtures calmed the situation in Balochistan considerably and attacks by both Baloch militants and the Pakistani military stopped.

The dispute in Balochistan is essentially political, centered on issues of provincial autonomy and exploitation of mineral resources. The Zardari government has accepted that hundreds of political opponents were "disappeared" from Balochistan during Musharraf's rule, but progress in locating them or informing their next-of-kin has remained slow.

Terrorism, Counterterrorism, and "Disappearances"

Pakistan was rocked by a spate of suicide bombings in 2008 that targeted the political and military elite of the country and the symbols of its power. The most high-profile attack took place on September 20 in Islamabad, destroying the Marriot Hotel, killing 54, and injuring hundreds. The attack came just hours after President Zardari had delivered his first address to a joint session of parliament.

Terrorism suspects are frequently detained without charge or, if charged, are often convicted without proper judicial process. Human Rights Watch has documented scores of illegal detentions, instances of torture, and "disappearances" in Pakistan's major cities. Counterterrorism laws also continue to be misused. It is impossible to ascertain the number of people "disappeared" in counterterrorism operations

because of the secrecy surrounding such operations. Pakistan's Interior Ministry, now controlled by the elected government, has estimated the total at 1,100. However, the government has not provided details of how many were suspected of links to al Qaeda and the Taliban and has made negligible progress in resolving cases and recovering victims.

Until the imposition of the state of emergency in November 2007, the Supreme Court was investigating 400 cases of enforced disappearance. In response to pressure from the Supreme Court, scores were freed or produced in court and charged. The Supreme Court under Musharraf-appointed Chief Justice Abdul Hameed Dogar has notably failed to pursue such cases.

Pakistan has yet to become a signatory to the international treaty banning enforced disappearances.

Security Operations and Displaced Persons

At the urging of the United States, the Pakistani armed forces have engaged in increasingly aggressive counterterrorism operations in Pakistan's Federally Administered Tribal Areas along the Afghan border. The operations at times have been accompanied by massive civilian displacement, extrajudicial executions, house demolitions, and arbitrary detentions.

Since September 2008, US drones are believed to have carried out more than a dozen missile attacks on alleged militant targets in the tribal areas, killing dozens of people amid persistent claims of civilian casualties. The air raids have been a political liability for Zardari, who has called on the US to stop them. In the Bajaur agency area, where the fighting has been most intense, more than 200,000 people have been displaced by the Pakistani army offensive.

Armed groups in Pakistan's tribal areas continue to engage in vigilantism and violent attacks on civilians, including suicide bombings, murder, and public beheadings. Despite selective military operations and periodic peace deals, the government has not succeeded in preventing the Taliban and members of other militant groups from committing serious human rights abuses.

Throughout 2008 Taliban suicide bomb attacks and operations continued in the settled areas of the North West Frontier Province. Battles between pro-Taliban militants and government security forces in the NWFP's Swat valley displaced civilians and led to severe insecurity.

Discrimination

Legal discrimination against religious minorities and women continues to be a serious concern.

The Ahmadi religious community continues to be targeted. Blasphemy cases were registered against Ahmadis in 2008 and two members were murdered in the province of Sindh after Dr. Aamir Liaquat Hussain, a popular religious talk-show host on Geo TV, declared Ahmadis appropriate targets for murder under Islamic law.

Violence against women and girls, including rape and domestic violence, and forced marriage remain serious problems. "Honor killings" were perpetrated across the country in 2008, with particularly gruesome cases reported from Sindh and Balochistan provinces. In one case, five women were reported to have been shot and buried alive for marrying against their families' wishes.

Despite condemnation from human rights groups, Israrullah Zehri, a senator from Balochistan province who publicly defended honor killings as "tribal custom," and legislator Hazar Khan Bijrani, accused of presiding over a tribal *jirga* (council) that in 2006 ordered the handing-over of five girls, aged six and younger, as "compensation" in a dispute, were elevated to Pakistan's cabinet by President Zardari in November 2008.

Growing extremism poses new threats to women's rights, particularly in the tribal regions bordering Afghanistan. In 2008, the Taliban and other insurgent groups destroyed more than 100 girls schools and imposed other barriers to prevent girls from attending schools.

Freedom of Expression

Journalists continue to face pressure and threats from non-state actors and elements of Pakistan's intelligence apparatus, but there has been a marked decrease in government-sponsored attacks since Musharraf was forced to step down. The elected government revoked sweeping curbs on the media put in place by Musharraf.

Death Penalty

Pakistan's prime minister announced in June 2008 that more than 7,000 inmates on death row in Pakistan would have their sentences commuted. In a July meeting with Human Rights Watch the prime minister again emphasized his intention to commute the death sentences. Between the June announcement and this writing in late 2008, however, 15 more people were executed, according to the Human Rights Commission of Pakistan.

Despite commitments to reduce the number of offenses for which the death penalty is applicable, Zardari actually increased their number in November by adding "cyber-terrorism" to the list of crimes punishable by death. Pakistan's Law Ministry appears to be stalling the commutation of death sentences and blocking proposals to limit the applicability of the death penalty.

Key International Actors

The United States and United Kingdom, the key external actors in Pakistan, remain focused on counterterrorism in their dealings with Pakistan, subordinating all other issues. The US, working closely with Pakistan's notoriously abusive Inter-Services Intelligence agency, has had a direct role in "disappearances" of counterterrorism suspects.

While the US and UK supported a return to electoral democracy in 2008, they backed Musharraf even after the February elections, despite his personal unpopularity and the illegality of his hold on office. When it became clear that his continuation in office was untenable, they successfully urged the elected government not to prosecute or hold Musharraf legally accountable for abuses under his rule in return

for facilitating his resignation. In contrast, they notably failed to urge full restoration of the judiciary.

On April 17, 2008, the Pakistani government ratified the International Covenant on Economic, Social and Cultural Rights and signed both the International Covenant on Civil and Political Rights and the UN Convention against Torture.

Under Musharraf, Pakistan played an extremely negative role at the UN Human Rights Council (HRC); the change in government has been accompanied by some improvements in approach. Still, Pakistan's positions at the HRC often do not fully reflect the administration's stated commitments to human rights and it continues to play an actively obstructive role on some issues. Pakistan was reviewed under the Universal Periodic Review mechanism of the HRC in May 2008.