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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. What is the present political position of Jamiat-e-Islami in Pakistan?
2. Does Jamiat-e-Islami politically control Mardan?
3. Would Jamiat-e-Islami be in a position to compel local police/authorities to act in accordance with its wishes?
4. Would a person assaulted etc by Jamiat members have any recourse or would the state protect Jamiat members?

RESPONSE

1. What is the present political position of Jamiat-e-Islami in Pakistan?

The sources consulted indicate that *Jamiat-e-Islami* (JI; also: *Jamaat-e-Islami*, *Jamiat-i-Islami*, *Jamiat Islami*, etc) is presently a legal political party in the Islamic Republic of Pakistan; and that JI is a member of the influential Islamist coalition group, *Muttahida Majlis-i-Amal* (MMA). A *Daily Times* news report notes that the MMA consists of the following six Islamist parties: the “*Jamiat Ulema-e-Islam* (Fazl), the JUI (*Sami*), the *Jamaat-e-Islami* (JI), the *Jamiat Ulema-e-Pakistan* (*Noorani*), the banned *Tehrik-e-Jafria Pakistan* (TJP) and the *Jamiat Ahle Hadith* (JAH)”. The MMA holds parliamentary seats in all four of Pakistan’s provincial assemblies and in both houses of Pakistan’s national parliament (the National Assembly and the Senate). The MMA is the third largest party in the National Assembly, the second largest force in the Senate and is presently the principal party of opposition (having won the opposition leadership in the National Assembly in May of 2004) (for information on the member parties of the MMA, see: Hassnain, Zakir 2002, ‘MMA featherweights knock out seasoned politicians’, *Daily Times*, 12 October http://www.dailytimes.com.pk/default.asp?page=story_12-10-2002_pg7_22 – Accessed 15 February 2005 – Attachment 1; and: Yusufzai, Rahimullah 2003, ‘Allies look for partners’, *News on Sunday* (Pakistan), 31 August <http://www.jang.com.pk/thenews/aug2003->

[weekly/nos-31-08-2003/spr.htm](http://www.newline.com.pk/NewsNov2002/cover2nov2002.htm) – Accessed 21 February 2005 – Attachment 2; for information on the MMA's position in the National Assembly, see: Yusufzai, Rahimullah 2002, 'The Real Test', *Newsline* website, November
<http://www.newline.com.pk/NewsNov2002/cover2nov2002.htm> – Accessed 14 February 2005 – Attachment 3; for information on the MMA's position in the Senate, see: Iqbal, Nadeem 2003, 'Make Way for the King's Men...', *Newsline* website, March
<http://www.newline.com.pk/NewsMar2003/newsbeat1mar.htm> – Accessed 22 February 2005 – Attachment 4; for information on the MMA's opposition leadership in the National Assembly, see: Pakistan Institute of Legislative Development and Transparency 2004, *First 2 years of the 12th National Assembly of Pakistan: November 16, 2002 – November 15, 2004*, November, p.4 <http://www.pildat.org/publications/twoyearsofNA.pdf> – Accessed 14 February 2005 – Attachment 5; for a brief overall account of federal politics in Pakistan, see 'Pakistan – Politics' (undated), Global Security website
<http://www.globalsecurity.org/military/world/pakistan/politics.htm> – Accessed 21 February 2005 – Attachment 6).

In addition to being a party of opposition at the federal level, the MMA is also a party of governance in two of Pakistan's provinces; governing the North West Frontier Province (NWFP) with an absolute majority; and governing, as the junior member of an alliance with the Pakistan Muslim League–*Quaid-i-Azam* (or PML-Q) in Baluchistan. The PML-Q, for its part, also leads the ruling plurality alliance in the National Assembly and works in accordance with the aims of the ruling regime of Pakistan President, General Pervez Musharraf (the PML-Q is often referred to as “the King's party” by the Pakistan press). The MMA and the PML-Q are, as a consequence, allies in some causes, at some times and in some places, but adversaries in others. For instance, a September 2004 article authored by K.J.M. Varma, for Outlook India.com, reports on “a resolution, asking President Pervez Musharraf to honour his promise to quit the powerful post of the Army Chief”, which was passed by the MMA controlled NWFP Assembly in reaction to a resolution, passed by the PML-Q controlled Punjab Assembly, that had urged “Musharraf not to quit”. Varma goes on to observe that the “Sindh Assembly is also expected to ask Musharraf to retain his uniform as the ruling PML-Q and its [MQM] allies are in majority there”; but that the “Baluchistan [A]ssembly is unlikely to pass any resolution as both PML-Q and MMA share power in the province” (Varma, K.J.M. 2004, 'Pak's NWFP assembly asks Musharraf to quit Army Chief's post', Outlook India.com website, 15 September
http://www.outlookindia.com/pti_news.asp?id=249528 – Accessed 21 February 2005 – Attachment 24)

Discontinuities of this type are typical in Pakistani politics and are no where more evident than in the MMA's relationship with the Musharraf government, the government aligned PML-Q, and the secular opposition parties (led by the Pakistan People's Party, or PPP). A February 2005 report for the US Congress on Pakistan notes that “[s]ome believe that Pakistan's Islamist forces are manipulated by and at times in collusion with the military as it manages skewed civil-military relations wherein moderate political parties play a decreasing role”. While a January 2005 *Newsline* report has observed that, recently, “Musharraf [has] moved for a rapprochement with the Pakistan People's Party ... as [he] looks to contain the MMA in the next elections”; a move which has “completely reversed the policy adopted by the military during the 2002 elections when the MMA was propped up to contain the PPP and PML(N)”. Indeed, in 2004, political rallies staged by the MMA were violently repressed by Pakistan's security forces in areas such as Karachi (for information on the shifting situation of the MMA, in its relationship with the ruling regime, see: Kronstadt, K. Alan 2005, 'CRS

Report for Congress: Pakistan's Domestic Political Developments', US Department of State website, 14 February, p.3-4 <http://fpc.state.gov/documents/organization/42440.pdf> – Accessed 21 February 2005 – Attachment 7; and: Hussain, Zahid 2005, 'Backward March', *Newsline* website, January <http://www.newsline.com.pk/NewsJan2005/cover1jan2005.htm> – Accessed 17 February 2005 – Attachment 8; for information on the repression of MMA political activity in Karachi, see: 'Massive Arrests to Thwart MMA Rally' 2004, *The Nation*, source: Current Global Newspapers and Journals, 27 June – Attachment 9).

JI workers and leaders figured prominently in the Karachi incident and JI's situation, within the shifting fortunes and position of the MMA, is further complicated by JI's radical politics and by its place on the second tier of the six party coalition's power structure. JI is a major partner in the MMA, along with JUI, but JI is the smaller force in terms of recent electoral success and, as a consequence of this, JI is further removed from power. It is generally noted that JI is more willing to engage in opposition politics than its far more invested Islamist partner, and sometime rival (for information on the rift between JI and JUI, in terms of power imbalance, see: Yusufzai, Rahimullah 2003, 'No Gain, No Pain', *Newsline* website, October <http://www.newsline.com.pk/NewsOct2003/cover2oct2003.htm> – Accessed 14 February 2005 – Attachment 10; for information on the rift between JI and JUI, in terms of opposition politics, see: Pakistan Institute of Legislative Development and Transparency 2004, *Democracy Update #3: July 1, 2004 to September 30, 2004*, December http://www.pildat.org/publications/sdr_update_7.pdf – Accessed 14 February 2005 – Attachment 13)

An overview of the most relevant source materials available on the subject of, firstly, the general position of both JI and the MMA, and secondly, the position of JI within the MMA, is presented, in what follows, under the following subtitles: *The MMA and Pakistani Politics* and *Jamaat-e-Islami and MMA Politics*.

The MMA and Pakistani Politics

The Economist Intelligence Unit's most recent Pakistan country briefing identifies "Jamaat-i-Islami" as one of two principal members of the MMA six party coalition (the other principal member party being "Jamiat-i-Ulema-i-Islami"). The report observes: that the MMA "performed strongly in the provincial elections"; that the MMA "now governs in the North West Frontier Province" with an outright majority; and that the MMA now governs in Baluchistan through an "alliance with the Pakistan Muslim League (Quaid-i-Azam), or PML (Q)". The report notes that the provincial assembly elections which produced this situation were held, along with the election of the National Assembly (the lower house of Pakistan's bicameral national parliament), on 10 October 2002"; and that "each assembly is elected for a five-year term". The report observes that "no single party won an outright majority" in the National Assembly and notes the ongoing parliamentary instability that has resulted from the manoeuvrings of Pakistan President, General Pervez Musharraf, and the various elected parties. The briefing notes that "[e]lections for the Senate [the upper house of Pakistan's bicameral national parliament] took place in February 2003"; and that the "next elections for the Senate are due in February 2007". The relevant extracts follow in detail:

Provincial government

Elections for Pakistan's four provinces were held in October 2002. The provinces enjoy considerable autonomy, but this is causing tension between them and the central government. The Muttahida Majlis-i-Amal (the coalition of Islamic parties) performed strongly in the provincial elections; it now governs in the North West Frontier Province, and governs in alliance with the Pakistan Muslim League (Quaid-i-Azam), or PML (Q), in Baluchistan

National elections

Elections for the national and provincial assemblies were held on October 10th 2002; each assembly is elected for a five-year term. The next National Assembly election is due in October 2006. Elections for the Senate took place in February 2003. The next elections for the Senate are due in February 2007.

National government

Although supporters of General Musharraf are in a majority, no single party won an outright majority in the October 2002 general election, and it took two months before the former prime minister, Zafarullah Jamali, was elected with a majority of one vote. He was backed by his party, the PML (Q), as well as by independents and defectors from the Pakistan People's Party and the Pakistan Muslim League (Nawaz). In June 2004 Mr Jamali was forced by supporters of General Musharraf to resign, and was replaced with an interim prime minister, Chaudhry Shujaat Hussain. Mr Hussain was replaced by the current prime minister, Shaukat Aziz, in August 2004.

Main political organisations

Pakistan Muslim League (Quaid-i-Azam), or PML (Q); Pakistan People's Party (PPP); PML (Nawaz), or PML (N); Muttahida Majlis-i-Amal (MMA, which comprises six religious parties including Jamaat-i-Islami and Jamiat-i-Ulema-i-Islami); Muttahida Qaumi Movement (MQM); National Alliance (comprising several small parties led by the Millat Party); Awami National Party (ANP); Tehrik-i-Insaf (TI); Jiye Sindh Qaumi Mahaz ('Country Briefings: Pakistan' 2004, *The Economist*, 30 November <http://economist.com/countries/Pakistan/profile.cfm?folder=Profile-Political%20Structure> – Accessed 14 February 2005 – Attachment 11).

A February 2005 report for the US Congress on Pakistan provides background on Pakistan's recent political history and the three political organisations which currently hold sway over the national scene: the PML-Q, the PPP and the MMA. The report notes of the PML-Q that it is "a group widely seen to enjoy overt support from the military"; and that the "PML's electoral strength typically is found in the densely populated Punjab province". The report notes that the PPP are "left-leaning"; that their previously elected administrations have been successively overthrown by the Pakistan military; that in "an effort to skirt legal barriers to its electoral participation in 2002, the PPP formed a separate entity, the PPP Parliamentarians (PPPP)"; and that the "PPP [has] historically has done especially well in the southern Sind province". The report notes that the MMA is "a loose coalition of six Islamist parties formed for the 2002 elections" and that JI and the JUI are the coalition's most significant member parties; that JI is "considered to be Pakistan's best organized religious party"; that "JUI is associated with religious schools that gave rise to the Afghan Taliban movement"; and that "Pakistan's religious parties enjoy considerable 'street' power". Extracts from the report's overview of Pakistan's recent political history follow below. This overview notes, among other things, that in December 2003, the MMA proved a "surprise" source of support for the Musharraf regime, but that this support waned a year later when Musharraf failed to honour his promise "to resign his military commission before 2005". The report also notes that, in December 2003, "non-Islamist opposition parties unified under the Alliance for the Restoration of Democracy (ARD) accus[ing] the MMA of betrayal"; and that there is speculation amongst political commentators that the Musharraf regime has turned away from the MMA and is presently seeking support from the leading party of the ARD alliance, the PPP. Finally, the report observes that "many foresee 2005 as a year in which Musharraf will continue to pursue a domestic political strategy of divide-and-rule rather than any genuine efforts at power-sharing". The relevant extracts follow in detail:

October 2002 elections in Pakistan nominally fulfilled President Musharraf's promise to restore the National Assembly that was dissolved in the wake of his extraconstitutional seizure of power. A pro-military alliance won a plurality of seats, while a coalition of Islamist parties made a surprisingly strong showing.

...The new National Assembly sat in November 2002. The three leading national parties – the PML-Q, PPP, and MMA – had engaged in convoluted and ultimately failed coalition-building negotiations. Both the secular opposition PPP and the Islamist parties maintained a strident rejection of the Legal Framework Order changes to the Constitution. A PPP-Islamist alliance would have set the pro-military parties in opposition, a possibility that reportedly sent the Musharraf regime into “panic.”

...In an unexpected circumstance, the pro-Musharraf parties succeeded in forming a thin working coalition without the participation of either the PPP *or* the MMA, a development made possible by the defection of several PPP members, some of whom were rewarded with high-profile ministerships of their own.

...The civilian government was hamstrung for more than one year by fractious debate over the legitimacy of Musharraf's August 2002 changes to the country's constitution and his continued status as Army Chief *and* President. A surprise December 2003 agreement between Musharraf and the Islamist opposition ended the deadlock by bringing the constitutional changes before Parliament and by eliciting a promise from Musharraf to resign his military commission before 2005.

...Officials in Islamabad contended that the developments augured well for Pakistani democracy and stability, but non-Islamist opposition parties unified under the Alliance for the Restoration of Democracy (ARD) accused the MMA of betrayal and insisted that the new arrangement merely institutionalized military rule in Pakistan.

...In December 2004, President Gen. Pervez Musharraf formally announced his decision to retain his position as chief of army staff beyond the December 31, 2004, deadline he had set for his own retirement from the military. ... Pakistan's more moderate, secular political parties united under the Alliance for the Restoration of Democracy, as well as Islamist parties that had colluded in the amendment deal, consider Musharraf's dual role to be fundamentally unconstitutional and nondemocratic. ... Opposition parties, which Musharraf called “a threat to democracy,” vowed to launch a national “agitation” in protest of Musharraf's continued rule. Ensuing anti-Musharraf rallies were only modest in size (at least partly due to inclement weather) and the Pakistan People's Party (PPP) of former PM Benazir Bhutto has thus far declined to enter into an alliance with the Islamists in this effort (there have been reports of “secret” negotiations between the Musharraf government and PPP leaders; in February, Pakistan's information minister acknowledged that his government had been in contact with PPP leaders).

...Asif Zardari [husband of the exiled former prime minister, and PPP leader, Benazir Bhutto] was released on bail [in November 2004] after being imprisoned for eight years without conviction. ... Some analysts have seen his release – and the apparently overdue December elevation of PPP Senator Raza Rabbani as Leader of the Opposition in parliament's upper house – as part of an effort by Musharraf to seek reconciliation with Pakistan's moderate political parties, perhaps to dilute international and domestic criticism of his decision to retain dual offices.

...Some believe that Pakistan's Islamist forces are manipulated by and at times in collusion with the military as it manages skewed civil-military relations wherein moderate political parties play a decreasing role.

...many foresee 2005 as a year in which Musharraf will continue to pursue a domestic political strategy of divide-and-rule rather than any genuine efforts at power-sharing (Kronstadt, K. Alan 2005, 'CRS Report for Congress: Pakistan's Domestic Political Developments', US Department of State website, 14 February.

<http://fpc.state.gov/documents/organization/42440.pdf> – Accessed 21 February 2005 – Attachment 7).

As is noted above, in the extract from the February 2005 report for the US Congress (with regard to the appointment of “PPP Senator Raza Rabbani as Leader of the Opposition” in Pakistan's Senate), the position of Leader of the Opposition is officially delegated by the establishment in Pakistan's houses of parliament, and is generally considered to be a reward for the opposition party whose support is most valued by the ruling forces of the moment. In June 2004, when MMA, and JUI, leader, Maulana Fazal-ur-Rehman, officially took the post of Leader of the Opposition in the National Assembly – only a few months prior to PPP Senator Raza Rabbani's appointment to the equivalent post in the Senate – the posting was similarly interpreted by political commentators, and by then marginalized PPP, as a reward for the MMA's legislative cooperation with the regime. A *Pakistan Tribune* news report provides an indication of the resentment that the June 2004 appointment of the MMA leader caused amongst the parties of the ARD, and the PPP in particular, extracts from this report follow below. The extracts from the *Pakistan Tribune* news report are preceded by an extract from a report published by the Pakistan Institute of Legislative Development and Transparency, which provides an overview of the ostensible logic behind the appointment of the ARD member, which was given by the government.

The Leader of Opposition was nominated by the Speaker on May 25, 2004, 18 months after the National Assembly became functional. Maulana Fazal-ur-Rehman, leader of the JUI-F and the MMA, was nominated as the Leader of Opposition in the National Assembly. The Maulana had submitted a list of 68 members who endorsed his case as the leader of the Opposition. The other contestant, Makhdoom Amin Fahim, leader of the ARD, had submitted a list of 80 members who endorsed his candidature. The Speaker rejected Amin Fahim's claim to the position of Leader of Opposition on the ground that his supporters did not belong to one party and that the ARD could not be treated as a single political entity because its constituent parties contested elections separately. The MMA parties, the Speaker maintained, contested elections under one party label; therefore, its members belonged to one party. The Speaker made this decision in favour of Maulana Fazal-ur-Rehman after consulting the Prime Minister and the chief of PML-Q (Pakistan Institute of Legislative Development and Transparency 2004, *First 2 years of the 12th National Assembly of Pakistan: November 16, 2002 – November 15, 2004*, November, p.4

<http://www.pildat.org/publications/twoyearsofNA.pdf> – Accessed 14 February 2005 – Attachment 5).

Leaders of the opposition Pakistan Peoples Party, Pakistan Muslim League, Nawaz (PML-N), Pushtoonkhwa Milli Awami Party, Tehrik-I-Insaf and components of the ARD and nationalist parties Monday flayed induction of Maulana Fazlur Rehman as opposition leader in the National Assembly.

...Makhdoom Amin Fahim of the PPP, Mehmood Khan Achakzai, Imran Khan, Kh. Saad Rafiq of the PML-N, Barrister Ch. Aitzaz Ahsan and Raja Pervez Ashraf of the PPP condemned Speaker's highly partisan act of naming Fazl as opposition leader in the lower House.

Mehmood Khan Achakzai accused the government and MMA of 'give and take'.

...He termed MMA as “Mullah, Military balliance” always supported Establishment.

Imran Khan regretted that the government succeeded in dividing opposition. He deplored that Speaker did not act as neutral umpire, rather sided with MMA and usurped the right of Makhdoom Amin Fahim.

...Aitzaz and Raja reminded that the MMA was 'B' team of the government enjoying power in two provinces and supported treasury on Legal Framework Order (LFO) and 17th constitutional amendment.

PPP members termed the MMA as "friendly and pocket" opposition.

..."We are the real opposition and Makhdoom Amin Fahim deserves to be named as opposition leader" they added.

...PPP members dismissed contentions of the treasury and Speaker that ARD members did not contest polls on one symbol ('Fazal takes seat of opposition leader' 2004, *Pakistan Tribune*, 1 June <http://www.paktribune.com/news/index.php?id=66487> – Accessed 21 February 2005 – Attachment 12).

A *Newsline* January 2005 report, authored by Zahid Hussain, provides an overview of the current situation in Pakistani politics. As noted in the introduction to this Response, Hussain argues that Musharraf is currently moving towards "rapprochement with the Pakistan People's Party as [MMA] opposition to his retaining the military post [has] intensified"; completely revers[ing] the policy adopted by the military during the 2002 elections when the MMA was propped up to contain the PPP and PML(N)". The relevant extract follows in detail:

Musharraf moved for a rapprochement with the Pakistan People's Party as opposition to his retaining the military post intensified. The release of Asif Ali Zardari after he had spent eight years in prison has come after the negotiations between Benazir Bhutto and Musharraf's emissary reached a crucial stage. The talks that involve an important senior army officer started a few months ago, but was kept secret even from senior Muslim League leaders. Shujaat Hussain was taken into confidence much later. There is still a long way to go before any deal will be sealed which could help Musharraf sail smoothly, at least till 2007. The main sticking point at the moment is Bhutto's demand for the withdrawal of the Pakistan government as a party in the money laundering case now in process in a Swiss court. The talks have, however, divided the opposition and diverted the focus from Musharraf's uniform issue.

Attempts at a rapprochement have come as Musharraf looks to contain the MMA in the next elections and completely reversed the policy adopted by the military during the 2002 elections when the MMA was propped up to contain the PPP and PML(N). The move has also been encouraged by America, which is not comfortable with the MMA's political influence in two key provinces – the Frontier and Balochistan. The deal may possibly lead to the inclusion of the PPP in the federal and Sindh governments. Another reason behind the negotiations with the PPP is the establishment's growing wariness with the MQM's activities (Hussain, Zahid 2005, 'Backward March', *Newsline* website, January <http://www.newsline.com.pk/NewsJan2005/cover1jan2005.htm> – Accessed 17 February 2005 – Attachment 8).

Nonetheless, for the time being, the MMA and the PPP led ARD remain united in their opposition to Musharraf's decision to retain his military command. A report for The News website (Islamabad), provides background on: the MMA-ARD alliance; the context of the launch of the protest campaign in Karachi; and MMA policy in relation to the ruling regime. This report is supplied as Attachment 25 (Bano, Shamim 2004, 'Pakistani Islamic alliance

launches campaign against president's military role', *BBC Monitoring*, source: The News website (Islamabad), 29 November – Attachment 25).

Jamaat-e-Islami and MMA Politics

Writing in the immediate aftermath of the October 2002 elections for *Newsline* (Pakistan), noted Pakistani journalist, Rahimullah Yusufzai, comments that the MMA emerged as “the third biggest electoral force in the country in the October 10 elections after the PML-Q and PPP”; and that, in some regards, “its performance was better than the PPP’s because it won an outright victory in the NWFP and will be able to rule that province on the strength of its own majority” (Yusufzai, Rahimullah 2003, ‘No Gain, No Pain’, *Newsline* website, October <http://www.newsline.com.pk/NewsOct2003/cover2oct2003.htm> – Accessed 14 February 2005 – Attachment 10).

According to another Yusufzai report, which was published by *Newsline* (Pakistan) in November 2002, the Pakistani “government and its intelligence agencies had calculated that the MMA would, at the most, win seven to eight National Assembly and 17 or 18 provincial assembly seats in the [NWFP] province”. Yusufzai comments that these “estimates were wide off the mark because the MMA bagged three times more assembly seats than the government’s calculations”. The November 2002 report provides the following overview of the MMA’s electoral success in the NWFP and the “adjacent Federally Administered Tribal Areas (FATA)”:

The MMA eventually won 29 out of the 35 National Assembly seats in the NWFP. In the adjacent Federally Administered Tribal Areas (FATA) where political parties are banned, candidates backed by the MMA bagged seven of the 12 National Assembly seats. The MMA captured 48 out of the 99 NWFP Assembly seats for which elections were held on October 10. That the MMA won a comparatively less number of provincial assembly seats was on account of the traditional voting patterns in the NWFP where voters tend to vote for candidates of religious parties only in the elections to the National Assembly. This is due to their understanding that the ulema promising Shariah would be more effective if voted to the National Assembly than the provincial assembly. Though many voters this time also voted for candidates of the religio-political alliance contesting for the NWFP Assembly, the provincial seats won by the MMA are on an average less than its share of National Assembly seats (Yusufzai, Rahimullah 2002, ‘The Real Test’, *Newsline* website, November <http://www.newsline.com.pk/NewsNov2002/cover2nov2002.htm> – Accessed 14 February 2005 – Attachment 3).

Yusufzai’s November 2002 *Newsline* report goes on to note that “the MMA was the first among the three major electoral groups to name its candidates for the offices of the Prime Minister and National Assembly speaker”; and that the MMA was “attracting flak for demanding the Prime Minister’s office and refusing to accept the right of the PML-Q, the biggest party in terms of seats in the National Assembly, to elect its nominee as the premier”. Nonetheless, Yusufzai also noted, at this time, that the MMA would be inevitably forced into a position of compromise with the government. The relevant extract follows in detail:

...the MMA is already attracting flak for demanding the Prime Minister’s office and refusing to accept the right of the PML-Q, the biggest party in terms of seats in the National Assembly, to elect its nominee as the premier.

However, MMA leaders have been arguing that they won’t be able to implement their policies if they do not become part of a coalition at the centre. With that goal in mind, the MMA was the first among the three major electoral groups to name its candidates for the offices of the

Prime Minister and National Assembly speaker. Maulana Fazlur Rahman and Liaquat Baloch would become the premier and speaker, respectively, if the MMA had its way. That would be like showing a red rag to the US and the west, and it is certain that President General Pervez Musharraf will use his considerable leverage to derail any such move. He would be able to coexist with a PML-Q man as premier and would be happier still if the PPP and PML-Q were to form a coalition. The President, who appears determined to wear his army uniform as long as it takes, would also resist moves by the MMA to bring changes in the foreign policy. Any attempt to stop Pakistan's support to the US war on terrorism, create problems for the Hamid Karzai government in Afghanistan, offer sanctuaries to al-Qaeda and Taliban fighters in Pakistan, or support the banned jihadi groups fighting in Indian Kashmir would be disallowed by General Musharraf.

In such a scenario, the MMA would be forced to take some cosmetic measures to implement its manifesto and try to satisfy its voters. Already, the MMA leaders are saying that they would declare Friday as the weekly holiday in place of Sunday, do away with co-education, put a halt to obscenity in the print and electronic media, and reform interest-based banking. The implementation of some of the above mentioned measures would inevitably trigger protests and alarm the civil and military establishment.

In the final analysis, the MMA would either have to make compromises that would damage its reputation or quit the government to avoid losing the support of its restless supporters. The MMA has been pushed into a very difficult situation in the wake of the October 10 elections. Its failure in power would damage the cause of the Islamic parties and make it harder for them to record a similar victory in future polls (Yusufzai, Rahimullah 2002, 'The Real Test', *Newsline* website, November <http://www.newsline.com.pk/NewsNov2002/cover2nov2002.htm> – Accessed 14 February 2005 – Attachment 3).

Yusufzai explores the complexities of JI's position within this situation in his *Newsline* report of October 2003. In this report, Yusufzai suggests that, in spite of the stake in power that JI has won as a partner to the MMA coalition's gains, JI has been troubled by the fact that these gains have been overwhelmingly won by its MMA partner, and sometime rival, JUI-F. Yusufzai's report notes that JUI-F "has the biggest number of MMA seats in the National Assembly, Senate and the provincial assemblies in the NWFP and Balochistan"; and that the JUI-F, "[i]n fact, by itself ... bagged all the National Assembly and Balochistan Assembly seats that were won by the MMA". Yusufzai's report suggest that JI, which "prided itself on being the largest Islamic party in the country", is resentful of the fact that it must now "play second fiddle to the JUI-F". The relevant extract follows in detail:

The JUI-F and Jamaat-i-Islami (JI), the two major components of the MMA, suffer from a distrust of each other. The former has the biggest number of MMA seats in the National Assembly, Senate and the provincial assemblies in the NWFP and Balochistan. In fact, by itself it bagged all the National Assembly and Balochistan Assembly seats that were won by the MMA, and is now the junior coalition partner with the PML-Q in that province. The JI prided itself on being the largest Islamic party in the country but its claim was punctured when the JUI-F emerged as the most successful MMA component in the October 2002 polls. Now the JI has to play second fiddle to the JUI-F and Maulana Fazlur Rahman by virtue of his party's parliamentary strength, has to be accepted as the most powerful MMA leader (Yusufzai, Rahimullah 2003, 'No Gain, No Pain', *Newsline* website, October <http://www.newsline.com.pk/NewsOct2003/cover2oct2003.htm> – Accessed 14 February 2005 – Attachment 10).

In an August 2003 report, published in the Jang Group's *News on Sunday* (Pakistan), Yusufzai argues that JUI-F's success has brought it closer to the ruling establishment; "[t]he

stakes”, argues Yusufzai, “are no doubt high for the JUI-F than the Jamaat-i-Islami and the other smaller parties in the MMA in maintaining the status quo and letting the existing parliament and provincial assemblies to complete their five-year life”. The relevant extract follows in detail:

It isn't difficult to discern as to why the JUI-F would be eager compared to the Jamaat-i-Islami to strike a deal with the ruling PML-Q. Though the MMA as a whole achieved the best electoral performance that the Islamic parties ever recorded in Pakistan, the JUI-F's gains far outweighed those of the Jamaat-i-Islami. It won every single assembly seat that the MMA garnered in Balochistan and as part of the PML-Q-led coalition government, it is now able to oblige its voters and enjoy the perks of power in that province. The JUI-F also won bulk of the assembly seats in the NWFP, enabling it to claim the chief minister's office and thus effectively run the MMA government in the province. It also shared the seats that the MMA won in the Punjab and Sindh. In the Senate, the JUI-F has 15 seats compared to the Jamaat-i-Islami's 5. The stakes are no doubt high for the JUI-F than the Jamaat-i-Islami and the other smaller parties in the MMA in maintaining the status quo and letting the existing parliament and provincial assemblies to complete their five-year life. Besides the PML-Q, the JUI-F would suffer the most if the present set-up were to be disbanded and the assemblies sent home packing. That explains the keenness of the PML-Q and the JUI-F leadership to enter into a deal on the LFO and agree on some kind of a power-sharing arrangement (Yusufzai, Rahimullah 2003, 'Allies look for Partners', *The News on Sunday*, The Jang Group website, 31 August <http://www.jang.com.pk/thenews/2003-weekly/nos-31-08-2003/spr.htm> – Accessed 21 February 2005 – Attachment 2).

The beginnings of these troubles were speculatively broached by Yusufzai, in his November 2002 *Newsline* report, in which he identified a JI disputation – concerning the nomination, politics and orthodoxy of the JUI-F backed MMA leader of the NWFP Assembly, Akram Khan Durrani – as “the first rift in the [MMA] alliance”. The relevant extract follows in detail:

The MMA didn't expect to record such a resounding electoral success in the NWFP either, a fact conceded by its most powerful leader, Maulana Fazlur Rahman. Had the alliance been hopeful of victory on such a scale it would have directed one of its top leaders to contest election for the NWFP Assembly so that he could be put up as a candidate for the office of the chief minister. A lack of candidates with stature has thus forced the MMA to nominate Akram Khan Durrani, for this slot since is the most experienced among its 48 MPAs after remaining an MPA for two terms and serving briefly as a provincial minister. Incidentally, his nomination by the JUI-F as the MMA parliamentary leader also sparked the first rift in the alliance due to objections by the Jamaat-i-Islami. The Jamaat-e-Islami was not only unhappy over the manner of his nomination without seeking endorsement of his candidature by the MMA central leadership, but was also concerned that Durrani was beardless. The differences were subsequently resolved but it left a bad taste in the mouth and will undoubtedly continue to haunt the MMA in future. One won't be surprised if similar situations arise in the coming weeks and months in view of the fact that their protestations notwithstanding, the six religious parties have not yet fully resolved the political, scholastic and sectarian disputes that kept them apart for decades and embittered their relations (Yusufzai, Rahimullah 2002, *The Real Test*, *Newsline* website, November <http://www.newsline.com.pk/NewsNov2002/cover2nov2002.htm> – Accessed 14 February 2005 – Attachment 3).

The Pakistan Institute of Legislative Development and Transparency (PILDAT) has regularly noted the existence of the JI-JUI rifts examined by Yusufzai, in its *Democracy Update* reports. For example, the most recent issue of the *Democracy Update*, published in December 2004, observes, of the preceding three months, that the “MMA continued to face internal

disharmony”; and that the “Jammat-i-Islami leadership was more critical of the government’s policies, especially General Musharraf’s plan to hold on to the command of the Army, than the JUI (F)” (Pakistan Institute of Legislative Development and Transparency 2004, *Democracy Update #3: July 1, 2004 to September 30, 2004*, December http://www.pildat.org/publications/sdr_update_7.pdf – Accessed 14 February 2005 – Attachment 13).

A July 2003 *Newsline* report, authored by Owais Tohid, provides the following overview of the support bases, networks and ideologies that sponsor JUI, on the one hand, and JI on the other.

There are two major parties which are a force to reckon with in the MMA’s coalition of six parties. The JUI, headed by Maulana Fazlur Rehman, derives its support from the conservative tribal society and has a base in the orthodox madrassas and their networks, making fundamentalist and hardline views a party compulsion. Its concentration is in the Frontier and Balochistan provinces. The Jamaat-i-Islami has Pan-Islamism as its ideology and links with international Islamic forces such as the Islamic Liberation Front (FIS) of Algeria, the banned Muslim Brotherhood of Egypt and the Jama-i-Islamia of Indonesia. It aims at strengthening the party position at a national level by capitalising on anti-US sentiments (Tohid, Owais 2003, ‘Backward March’, *Newsline* website, July <http://www.newsline.com.pk/NewsJuly2003/cover2july2003.htm> – Accessed 15 February 2005 – Attachment 16)

2. Does Jamiat-e-Islami politically control Mardan?

As noted above, in response to Question 1, JI is a coalition partner in the MMA government which controls the NWFP (in which the locale of Mardan is located). Reporting on the unexpected success of the MMA in the October 2002 elections, Rahimullah Yusufzai, of Pakistan’s Newswire news agency, lists “the Hotis (sons of Azam Hoti and Khwaja Mohammad Khan Hoti) of Mardan” among the notable incumbents who were “vanquished” at the polls by the Islamist coalition. As noted above, in response to Question 1, Yusufzai’s post-election report states that the “MMA eventually won 29 out of the 35 National Assembly seats in the NWFP”; and “captured 48 out of the 99 NWFP Assembly seats for which elections were held on October 10 [2002]”; it expresses the opinion that the MMA’s “bold anti-US stance” was “a dominant factor” in achieving electoral success; and it notes that, in the election aftermath, the MMA immediately began to lobby for the legislative implementation of hardline Islamist policies, most notably: to “put a halt to obscenity in the print and electronic media” (Yusufzai, Rahimullah 2002, *The Real Test*, *Newsline* website, November <http://www.newsline.com.pk/NewsNov2002/cover2nov2002.htm> – Accessed 14 February 2005 – Attachment 3).

On 12 October 2002, a report on the NWFP Assembly election, published by *The Daily Times* (Pakistan), stated that: “[a]ccording to unofficial results, the MMA won eight seats in Swat, seven in Peshawar and seven in Mardan, four each in Bannu and Lower Dir, three in Upper Dir, two each in Swabi and Battagram, and one in Nowshera, Charsadda, Karak, Hangu, Buner, Shangla, Chitral, Malakand and Abbottabad” (Hassnain, Zakir 2002, ‘MMA featherweights knock out seasoned politicians’, *Daily Times*, 12 October http://www.dailytimes.com.pk/default.asp?page=story_12-10-2002_pg7_22 – Accessed 15 February 2005 – Attachment 1).

On 3 December 2002, Pakistan’s *Dawn* news service reported that the “13-member NWFP cabinet [had been] allocated portfolios”; and that five of these portfolios went to JI. The five

JI members allocated portfolios at this time were reported as follows: “Hafiz Hashmat Ali (social welfare, Zakat and Usher), Fazal Rabbani (food), Hussain Ahmed (science and information technology), Inyatullah (health and population planning) and Raja Faisal Zaman (sports, culture and tourism)” (‘Portfolios allocated to NWFP ministers’ 2002, *Dawn* (Pakistan) website, 3 December <http://www.dawn.com/2002/12/04/top3.htm> – Accessed 16 February 2005 – Attachment 14).

Kronstadt’s February 2005 report for the US Congress observes that the MMA controlled NWFP Assembly has moved to implement Sharia law in the province; and that “Pakistan’s Islamists routinely denounce” the policies of the national government. Nonetheless, the report also notes that the “Islamists’ political influence in Pakistan’s two western provinces is viewed by many as contingent upon the MMA’s continued basic acceptance of the current political system”. The relevant extracts follow in detail:

In June 2003, the Islamist coalition in the NWFP passed a Shariat bill in the provincial assembly, and the government of Baluchistan later established an Islamist legal council. These efforts may seek to replicate in Pakistan the harsh enforcement of Islamic law seen in Afghanistan under the Taliban.

...Pakistan’s Islamists routinely denounce Pakistani military operations in western tribal areas, resist government attempts to reform religious schools that teach militancy, and harshly criticize Islamabad’s cooperation with the US government. At the same time, Islamists’ political influence in Pakistan’s two western provinces is viewed by many as contingent upon the MMA’s continued basic acceptance of the current political system. This leads some to a conclusion that the Islamists – and Fazlur Rehman’s JUI-F, in particular – will not push against the Musharraf regime so far as to lose their own standing.

...The leadership of the MMA’s two main constituents – the Jamaat-i-Islami’s JI) Qazi Hussein Ahmed and the Jamiat-Ulema-Islami (JUI)-Fazlur’s Maulana Fazlur Rehman – are notable for their sometimes virulent anti-American rhetoric; they have at times called for “jihad” against what they view as the existential threat to Pakistani sovereignty that alliance with Washington entails (Kronstadt, K. Alan 2005, ‘CRS Report for Congress: Pakistan’s Domestic Political Developments’, US Department of State website, 14 February, p.3-4 <http://fpc.state.gov/documents/organization/42440.pdf> – Accessed 21 February 2005 – Attachment 7).

For a detailed consideration of the MMA’s so called “Talibanisation” of the NWFP and Balochistan, see Owais Tohid’s July 2003 *Newsline* report, ‘Backward March’, which is supplied as Attachment 16 and which addressed the MMA’s moves to implement “Shariat law” and the “the Hisbah (accountability) Act, which envisions the creation of a religious police force on the lines of the dreaded Promotion of Virtue and Prevention of Vice force, run by the ousted Taliban militia” (Tohid, Owais 2003, ‘Backward March’, *Newsline* website, July <http://www.newsline.com.pk/NewsJuly2003/cover2july2003.htm> – Accessed 15 February 2005 – Attachment 16)

3. Would it be in a position to compel local police/authorities to act in accordance with its wishes?

4. Would a person assaulted etc by Jamiat members have any recourse or would the state protect Jamiat members?

A number of new and human rights focused reports have argued that Jamaat-e-Islami, and its MMA partners, may be in a position to compel local police/authorities in the NWFP to act in accordance with their wishes in certain regards. Reports of this kind have put forward the

view that, in all instances except those which would directly challenge the stability of the Mussarraf regime (or non-negotiable issues, such as Pakistan's support for the US led "war on terror"), JI/MMA members have been able to act with impunity and with the cooperation of local security forces, courts and other government institutions. This may not always be the case in other parts of Pakistan where the MMA does not exert government control over the provincial administrations. Nonetheless, reports suggest that JI/MMA members can still exercise considerable influence in these areas and that, even in instances where the local authorities are prepared to take action against them, JI/MMA workers are willing to launch attacks on not only targeted persons but on the police themselves. An overview of the most relevant source materials available on the subject of, firstly, the influence of JI/MMA in Mardan and the NWFP, and secondly, the influence of JI/MMA beyond the NWFP, is presented, in what follows, under the following subtitles: *JI/MMA – in Mardan and the NWFP* and *JI/MMA – the NWFP and Beyond*.

JI/MMA – in Mardan and the NWFP

In August 2004, *Newsline* (Pakistan) reported that a campaign of intimidation has been waged against "[c]ivil society groups" in the NWFP by both the "local Taliban" and "MMA parliamentarians". According to this report, the "NGO activists" who have had their lives threatened by this Taliban-MMA "nexus" are doubly exposed because "security arrangements" in the region are under the control of the NWFP's MMA government. The report lists "Mardan" as one of the districts in which incidents of intimidation are reported to have occurred. According to Ansari's report, "NGO-bashing began in Dir, a remote district of the province ... [and] gradually filtered down to urban centres like Mardan, where the house and office of a woman NGO activist, Zakia Rehman, were gutted". The nature of the intimidation suffered by Zakia Rehman, and the events surrounding this Mardan case, are reported in detail. The report notes that the movement that "launched" the anti-NGO campaign in Dir, Tehrik Nifaz Shariat-i-Muhammadi, has since been banned and its leader jailed. The report does not indicate that the MMA's campaign has been restricted by any similar acts of states censor. Indeed, Ansari reports that, in the case of the Mardan Zakia Rehman attack, attempts to report the incident and to seek police protection, through the submission of a First Incidence Report (FIR), have been curtailed by the MMA's rise to governance. It is also reported that, in the period prior to the MMA's election to government, the passage of the FIR was frustrated by an attack on the local police station during a local riot (which had developed out of a demonstration against US "air strikes" against Afghanistan). The FIR was destroyed in the incident in which the police post was "set ablaze" and "a policeman" was "killed". According to Ansari's report, "three sitting parliamentarians, Provincial Minister for Food, Fazle Rabbani, Muhammad Qasim and Maulana Shujaul Mulk, were named in the FIRs lodged against the attack on the post" (the Member may be interested to note that the Provincial Minister for Food, Fazle Rabbani, is identified as a "Jamaat-i-Islami" MMA minister in the aforementioned *Dawn* report, of 3 December 2003, on the NWFP cabinet). Ansari's report states that "Zakia and her family are still on the run, moving from place to place in search of security"; and that "[d]espite the ongoing pressure and threats to her life she has managed to get an order from the Peshawar High Court directing the sessions court of the district to conduct a probe into the incident". The report indicates that it is unlikely that this action will achieve a positive result. The relevant extracts follow in detail:

Civil society groups in the North West Frontier Province are increasingly operating on a sticky wicket due to threats to the lives of their workers by local Taliban alongside growing demands by MMA parliamentarians that these NGOs, especially those working on women's

issues, join hands with them if they want to continue their activities in the conservative NWFP.

Separate incidents in Takht-i-Bahi, Mardan, Kohat, Karak and Bannu districts, are graphic examples of the local Taliban's organisational abilities and the nexus between them and religious circles.

NGO activists are concerned about MMA leaders' demands that any activity conducted by them in the NWFP should first be vetted by the provincial government, which is, of course, dominated by the MMA. NWFP Chief Minister, Akram Khan Durrani has repeatedly asked NGOs working in the province to obtain the government's permission for their projects and give the authorities enough advance notice of their activities so that security arrangements requested by them can be provided.

...These are hard times," says Bushra Gohar, head of the reputed Human Resource Management and Development Centre. "This means if we work with the government, it's all systems go, otherwise it's not," she maintains, adding that the clergy-led government has created a framework whereby the District Coordination Officer will head a committee which monitors the activities of NGOs operating in the province. "This[proposed] committee seems to me a forum to extort money from NGOs. There is no need for such committees because all records pertaining to NGOs are with the government anyway, and the audit reports are sent to the concerned department regularly," says Gohar.

...NGO-bashing began in Dir, a remote district of the province, at the peak of the movement launched by the now banned Tehrik Nifaz Shariat-i-Muhammadi, led by presently jailed Maulana Sufi Muhammad. One of his followers, Maulana Zia-ul-Haq, a young cleric, issued a 'fatwa' exhorting locals to take all the women working in NGOs in the area home and marry them with or without their consent. Seven schools for girls and boys were closed down and TNSM activists in the Maidan area of the district blocked all the roads as a pressure tactic aimed at forcing the NGOs to pack up.

Anti-NGO sentiment gradually filtered down to urban centres like Mardan, where the house and office of a woman NGO activist, Zakia Rehman, were gutted. Zakia was running a vocational centre for the poor women of the village and had set up a computer centre and library for children. She had also hired a teacher to impart basic education to the children of local peasants, which she said was also one of the reasons that the landlords opposed her work, since education was seen as empowerment by the landlords, which they feared could create trouble for them. Rehman was also accused of working for Jewish and Christian lobbies and promoting immorality. Subsequent private investigations, however, led to some other interesting disclosures. Locals of the area revealed that the young unmarried and educated Zakia Rehman had aroused the interest of a local influential, Muhammad Iqbal of village Ganjay, who tried to force her to close her offices in Takht-i-Bahi town and shift her operations to his 'hujra.' When Zakia refused Iqbal's advances, he teamed up with the peshimam of the village mosque and launched a campaign against her, which culminated in the attack on her house and office. Zakia and her family were forced to flee and initially took shelter in a sugarcane field to escape the mob.

While the story of the attack broke on October 8, 2001, it was engulfed in a much bigger one, because the day before the US-led coalition had launched air strikes against the Taliban regime in Afghanistan, and the Frontier was up in arms about the action. While Zakia's family had lodged an FIR after the attack, it was not registered initially, because all records at the Sher Garh police post had been allegedly destroyed when the post had been set ablaze during the riots in the area. In fact, three sitting parliamentarians, Provincial Minister for Food, Fazle Rabbani, Muhammad Qasim and Maulana Shujaul Mulk, were named in the FIRs lodged against the attack on the post, in which a policeman had also been killed. It was only after 10 days that a joint FIR was lodged against the attack on Zakia's home and office, but it

provided no respite. To add injustice to injury, all cases filed in respect of the attack were withdrawn soon after the MMA came to power in the province.

Zakia and her family are still on the run, moving from place to place in search of security. “These religious extremists should have come up with proof to back their charges that I was working for Jews or Christians. After all, they seized each and every thing we had at both my home and office,” she states. Zakia is not, however, giving up. Despite the ongoing pressure and threats to her life she has managed to get an order from the Peshawar High Court directing the sessions court of the district to conduct a probe into the incident. This notwithstanding, she is not hopeful. “I have no real hope that justice will be done. The court is also under tremendous pressure,” says Zakia. However, she adds defiantly, “The only mistake the attackers made was that they did not kill me. This gave me a new lease of life to continue my mission” (Ansari, Massoud 2004, ‘Unholy Crusade’, *Newsline* website, August <http://www.newsline.com.pk/NewsAug2004/newsbeat2aug.htm> – Accessed 15 February 2005 – Attachment 15).

Owais Tohid’s July 2003 *Newsline* report, ‘Backward March’, states that “it was during the MMA’s provincial government in the Frontier last year that a decree was issued against a writer of Afghan origin, Fazl Wahab, a resident of Mardan, that led to his murder”. According to Tohid’s report, Fazl Wahab’s “crime was writing a book that was critical of the Taliban and their style of governance” (Tohid, Owais 2003, ‘Backward March’, *Newsline* website, July <http://www.newsline.com.pk/NewsJuly2003/cover2july2003.htm> – Accessed 15 February 2005 – Attachment 16).

JI/MMA – the NWFP and Beyond

A January 2005 report, published by the International Federation for Human Rights (FIDH), states that the Pakistan federal government’s “political alliance with the MMA, means that a near-complete impunity is also granted to provincial and local authorities when they, too, decide to impose *de jure* or *de facto* restrictions on the media”. The report provides numerous examples of such action in the NWFP province and, although, it does not mention Mardan specifically, it does note that “Balakhana (gathering places for musicians) in Dagbari bazaar”, in nearby Peshawar, “were closed down by local police without any legal basis”. In another FIDH noted incident in neighbouring Peshawar, “an eminent member of Jamaat Islami, Mulana Ubaidullah Chitrali”, is said to have led “frenzied mobs [in an attack on] the Peshawar office and the printing press of the [*Frontier Post*] newspaper”. The incident is considered at length by the FIDH (on page 33 of the report); the FIDH state that “the police stood by” during the attack and that “nobody was ever charged for the violence”. The FIDH considers the incident to be “symptomatic of the restrictions on freedom of expression stemming from pressures by religious groups”. Islamist groups have also, according to the FIDH, targeted NGO workers, and the “situation is particularly acute in NWFP, where the collusion between the religious groups and the local administration places women and women activists in a singularly vulnerable position”. The locale of Mardan is specifically mentioned in this regard: “[i]n 2001, the local government in accordance with political parties decided to deprive women of their electoral rights in 21 Union Councils of Swabi and Mardan districts, as well as in 34 Union Councils in Dir district for the upcoming elections ...”. According to the FIDH, the federal government took no effective action to protect the democratic rights of the women affected. The report also notes that MMA impunity and influence is manifest, not only in the NWFP, but, at some times, in other areas too, such as Karachi, where JI controls the local government, and at Punjab University, which is considered the powerbase of JI’s student wing, *Jamiat-e-Taleba* (JT; also: *Jamiat-e-Tulaba*, *Jamiat-i-Taleba*, etc; for more on this organisation see ‘Jamiat’s immoderate worldview’ 2003, *Daily Times*, 22 October http://www.dailytimes.com.pk/default.asp?page=story_22-10-

[2003_pg3_1](#) – Accessed 20 February 2005 – Attachment 23). Pages 35-37 of the FIDH report provide an extensive chronology of “[a]ttacks committed by unknown assailants, including non-state groups”. Finally, having noted this general climate of Islamist impunity, the report does qualify this finding by observing that groups such as the MMA are themselves subject to censor by government authorities when Islamist demands, or actions, directly contest government policy, most notably with regard to issues relating to the war on terror (pages 64-66 of this report provide an extensive chronology of ‘[r]ecent cases of harassment and violence against opposition party activists’). Pertinent extracts from the FIDH report follow in detail:

The heavy-handed tactics used by the federal government against the media, combined with its political alliance with the MMA, means that a near-complete impunity is also granted to provincial and local authorities when they, too, decide to impose *de jure* or *de facto* restrictions on the media. For instance, on May 16, 2003, the NWFP MMA-led government passed a law prohibiting male journalists from covering women’s sporting events. Similarly, on June 27, 2003, Karachi Nazim Naimatullah Khan (who belongs to Jamaat-e-Islami) announced that the militant groups in Karachi had decided to ban unnecessary pictures of women in advertisements and called the practice “*obscene and vulgar*”. The council in Karachi passed the law. The Nazim claimed that “*our culture and values are different from the West and we want to protect women’s honour*”. On May 26, 2004, the Sindh government banned eight Karachi papers for 30 days for allegedly promoting “vulgarity and immorality in society”. More generally, observers agree to say that the situation is harshest for journalists in Mufasal (district) areas in far-flung regions.

...MMA government in 2003, such as a general ban on music in public places, on dance and many forms of theatre. Local police reportedly instructed all music shops to keep their shutters down so that musical instruments could not be seen from the streets. Balakhanas (gathering places for musicians) in Dagbari bazaar, Peshawar, were closed down by local police without any legal basis. Stage artists in Peshawar complained of harassment by the local police forces on several occasions, while the performance of plays was forcibly stopped at venues across the province. Plays at educational institutions and musical programmes, were also barred. During Ramadan 2003, the MMA government prevented cinema houses from showing films, on the grounds that they could lead to “immoral thoughts”.

...Several observers note that in spite of the official prohibition of students’ unions, Islamic groups are *de facto* allowed, who impose a censorship on cultural events deemed un-Islamic in the university, as is reportedly the case in Punjab University and in Multan. At Punjab University, for instance, the Islami Jamiat-i-Taleba, the students’ Islamic organisation, is reported to control the university and the faculty according to its own, very conservative interpretation of Islam, with the help of the retired military officers who administer the institution. Departments and student groups must reportedly request permission from Jamiat to hold a function, and dance and lifedrawing classes are forbidden; censorship is imposed on certain literature texts deemed obscene.

... As a sign of the worsening situation for groups and individuals working in the field of women’s rights, Majida Rizvi, President of the National Commission on the Status of Women, reports having been personally threatened and abused after the NCSW published its report on the Hudood Laws, in August 2003 – and the NCSW, it has to be remembered, is not an NGO, but a governmental body. The report advocated the repeal of 12 of the laws, and the amendment of 1 of them. The decision was made by a Committee, and not by Mrs. Rizvi alone. She was nonetheless the only one to be attacked in the media, on the grounds that she was “Westernised”, according to a Jamaat-e-Islami member.

The “unholy” alliance between the MMA and the army thus does not generate the conditions for women activists to work in satisfactory conditions – and it has actually created a climate that makes women more vulnerable. *“Religious groups view women’s NGOs as unpatriotic, westernised, and the women who work there as bad Muslims and loose women...And they have had a free hand since Musharraf took power; they have been emboldened by all he lets them do” sighs a woman activist, who adds that the MMA has “systematically sabotaged all the efforts led by civil society on women’s rights, be it at Parliament, in open forums, in local assemblies, etc...”*

The situation is particularly acute in NWFP, where the collusion between the religious groups and the local administration places women and women activists in a singularly vulnerable position. In 2001, the local government in accordance with political parties decided to deprive women of their electoral rights in 21 Union Councils of Swabi and Mardan districts, as well as in 34 Union Councils in Dir district for the upcoming elections, in contravention of both Pakistan’s Constitution, the existing laws, and Pakistan’s international obligations: the federal government’s reaction was a mild request to the NWFP government to *“talk to the concerned people in Dir to dissuade them from doing an illegal act”*

The NWFP government has adopted the Sharia’ Act in 2002, making religious Shari’a law enforceable in the province. It also plans to adopt the Hisba Bill, which would create a legal base for the establishment of a Hisba (accountability) department, similar to the Taliban’s department for the Prevention of Vice and Promotion of Virtue; it would in effect set up a parallel legal, political and police system. A Hisba force (similar to a Vice Squad) is envisaged. The Bill cites 27 items to be placed under the functions of the Mohtasib (the head of the Hisba network), including “enforcing Islamic moral values at public places”, “discouraging extravagance, beggary (...) and un-Islamic social norms”, “prevention of indecent behaviour at public places”. I.A. Rehman writes *“The proposed legislation gives the hisba network powers to enforce vague concepts (...). The hisba plan will bring into the streets vigilantes enjoying legal sanction to use violence on whoever is different from them. Laws based on belief are always liable to abuse because the freedom to interpret them is claimed by every individual”*.

Women’s NGOs also denounce the ease with which the blasphemy law (article 295-A, B, C of the PPC) can be used against anyone, and notably women, perceived to be “against religion”. Working for women’s rights is unfortunately sometimes perceived as such.

...Even the MMA has, ironically enough, been subject to restrictions of freedom of assembly and association: a MMA march was for instance banned in Karachi on 12 July 2004. Liaqat Baloch, of the JI and deputy secretary general of the MMA, was detained in November 2001 for a month for having delivered a speech denouncing the alliance with the US; he had already been charged under the Anti-Terrorism Act in April 2001 for a demonstration in Quetta, Balochistan. He has not been called back in court since, but, he adds, *“the government uses these cases as a sword of Damocles, to press trial when convenient”*¹⁷¹. Late 2001, the MMA leader for NWFP, M. Rahman, was put under house arrest for three months, under section 13 of the MPO Act and the Anti-Terrorist Act (International Federation for Human Rights 2005, *‘In Mala Fide’: Freedoms of expression, association and assembly in Pakistan*, January, p.20, 43, 52, 64 <http://www.fidh.org/IMG/pdf/pk408a-2.pdf> – Accessed 14 February 2005 – Attachment 17)

A recent report, published in *The Daily Times* (Pakistan) on 14 February 2005, provides an overview of the manner in which JI re-gained control of municipal government in Karachi at the 2001 elections for Pakistan’s local bodies. The next elections for Pakistan’s local bodies will take place later this year. The relevant extract follows in detail:

The Jamaat-e-Islami and the Jamiat Ulema-e-Pakistan had been dominant players in Karachi's electoral politics till 1987. The MQM, then known as the Mohajir Qaumi Movement, swept the municipal elections in 1987 and replaced the Jamaat-e-Islami as Karachi's leading political party. The MQM also trounced the Jamaat in the 1988 general elections and since then it emerged as the leading political player in Karachi's and Hyderabad's electoral politics. Benazir Bhutto's PPP, however, maintained its position in the areas of Malir and Lyari.

The MQM boycotted the local bodies elections in 2001 and the Jamaat-e-Islami recaptured the city council, which had earlier been known as the KMC (Karachi Municipal Corporation) (Ali, Irfan 2005, 'MQM could have electoral adjustment with ruling coalition parties', *Daily Times*, 14 February http://www.dailytimes.com.pk/default.asp?page=story_14-2-2005_pg7_44 – Accessed 16 February 2005 – Attachment 18).

A *Nation* report provides a detailed account of the MMA's Karachi demonstration, of the 27 June 2004, and the raids, arrests and street battles which took place on, and in the days prior, to the event (Section 144 of the Pakistan Penal Code deems the unauthorized assembly illegal of more than five people to be illegal). According to this report, police in Karachi had "resorted to teargas shelling and baton wielding the MMA workers and leaders to foil a peace march" disputing the censorship of the MMA in Karachi by the MQM controlled Sindh provincial government (the MQM had banned certain MMA leaders from entering the Sindh province). A "JI leader told newsmen that thousands of workers were arrested during the rally. However, senior police officer said that around 200 activists were picked up." JI members feature prominently in *The Nation's* reportage of these events; and hundreds of JI workers, as well as a number of their leaders (along with other MMA leaders and worker), appear to have been assaulted and/or arrested in Karachi at this time. Pertinent extracts from the report follow in detail:

KARACHI – Despite restrictions of the Government, Muttahida Majlis-e-Amal successfully demonstrated an impressive show of power in the peace march here on Sunday, as thousands of MMA workers participated in it.

...Although police had cordoned off an area of five kilometres in the outskirts of Mazar-e-Quaid, thousands of MMA workers along with the central leaders suddenly appeared at M A Jinnah Road from Old Exhibition to Tibet Centre in small groups. They continued hide-and-seek with the law-enforcement agencies for more than two hours.

The MMA central leaders Munawwar Hussain, Hafiz Taqqi, MNA Asad Ullah Bhutto, MNA Mohammad Hussain Mehnati, MPA Umar Sadiq, Nasrullah Shajji and Ejaz Ullah Siddiqui were among the arrested leaders..

...MMA Acting President Qazi Hussain Ahmed arrived at Jinnah Terminal from Peshawar in the afternoon flight.

Police encircled the PIA flight and brought him to the lounge. He was sent back to Islamabad in Aero Asia flight at around 3pm. The MMA workers led by MPA Nasrullah Shajji staged a sit-in at the airport.

...Around two dozens police mobiles led by ADIG Operations rushed to Idara-i-Noor Haq, JI head office, at 3:40 pm on receiving information that some activists armed with sticks had appeared there.

...Around 200 activists led by local JI leader Raja Arif Sultan appeared at Tibet Centre. They chanted slogans and hoisted flags on over-head bridge there. The police baton charged the protesters and arrested around 1,00 persons.

...As hundreds of workers came out from Jehangir Park in Saddar and proceeded to Regal Chowk, police picked them up and threw them into prison vans. At the same time, dozens of activists appeared at Tibet Centre. They pelted stones on the cops. Police resorted to massive teargas shelling and baton charged them.

...The MMA leaders alleged that 'terrorist' from London was imposed as Sindh Governor, while 'patriotic' MMA leadership has been expelled from City. "By resorting to high-handed methods, the government was sabotaging peace in City," they alleged.

They said that the government created lawlessness in name of preventing the 'peace rally.' Soon after the leaders' speeches, the contingents of police reached the scene. They baton charged MPA Umar Sadiq and other leaders. Police arrested all leaders and manhandled them. One cop baton charged an old man who was offering prayers there, witnesses said.

...Several protesters entered a mosque in Aram Bagh. Police also conducted teargas shelling, forcing the protesters and other worshippers to flee during Asr prayers.

...As contingents of police arrived, protesters ran into streets. A senior police ordered cops to arrest anyone standing in the streets. Police baton charged and detained anyone with beard including JUI Karachi's deputy chief, Saleemullah Taragi.

The JI leader told newsmen that thousands of workers were arrested during the rally. However, senior police officer said that around 200 activists were picked up.

The JI's spokesman told The Nation that police arrested about 2,500 workers and leaders in late Saturday night raids. Police conducted raid on house of the central leader of MMA, Munawar Hussain in Shadman Town and arrested him early morning.

The spokesman claimed that police conducted raids in different parts of the City and picked up Nazims and Naib Nazims also. Police sources said that around 913 workers and leaders were detained since Saturday night.

Meanwhile, the MMA spokesman said that the all-provincial leaders have been arrested. He alleged that police subjected them to torture. The leaders were detained at different police stations. MNA Asadullah Bhutto was kept at Napier police lock-up, later he was brought at Frere Police Station. Dozens of workers coming from different adjoining roads appeared at MA Jinnah Road at 9pm and proceeded to Tower. Police rushed to the spot and baton charged them near LightHouse, according to witnesses ('Massive Arrests to Thwart MMA Rally' 2004, *The Nation*, source: Current Global Newspapers and Journals, 27 June – Attachment 9).

According to a *Dawn* news service report, published on 28 June 2004, the "leaders and activists of the Muttahida Majlis-i-Amal, who had been picked up on Sunday [27 June 2004], were released on Monday [28 June 2004]". The report states that police "arrested 304 people, including the MMA leaders", and notes that "MMA sources claimed that the 2,300 people, ... were picked up". The report provides the following gloss on a statement which was delivered by the Secretary General of JI, Syed Munawar Hassan, in response to the events of the preceding days.

Secretary general of the Jamat-i-Islami Syed Munawar Hassan on Monday slammed the government for banning Qazi Hussain Ahmad and Maulana Fazlur Rahman's entry in Sindh, besides manhandling of MPAs and media men, and declared to prepare a charge sheet against the Sindh governor and chief minister.

Speaking at a news conference, he said that a protest rally would be taken out in Peshawar against the Sindh governor and chief minister. He said that when the ban on the entry of the MMA leaders would be lifted, they would again visit Sindh and emancipate the people of

Karachi from the clutches of extortionists. He also accused the government of committing excesses against elected representatives and trampling fundamental rights of the people ('Ban on top MMA leaders resented' 2004, *Dawn* (Pakistan) website, 28 June <http://www.dawn.com/2004/06/29/nat5.htm> – Accessed 18 February 2005 – Attachment 19).

The Human Rights Commission of Pakistan's (HRCP) 'Freedom of Media' webpage carries an entry, logged on 27 June 2003, which reports that Karachi Nazim, Naimatullah Khan (of JI), was then leading a campaign within the JI controlled Karachi Council to legislate the banning of "unnecessary pictures of women in advertisements". The report states that Khan "led a similar campaign in NWFP where youths were reported to have smashed billboards depicting women". The report states that the "Council in Karachi [had] passed the law [which was expected] to be implemented soon". The report goes on to note that "the [Sindh] provincial minister for local government, Shoaib Bokhari [of the MQM party], was of the view that the Sindh administration would not allow destruction of Karachi's image...". According to the HRCP report, Bokhari "commented" that "it is the responsibility of the government to protect the advertisers under law". Nonetheless, as the aforementioned January 2005 FIDH report has noted, the Sindh government went on to ban eight Karachi papers for their alleged immorality ('Freedom of Media' (undated), Human Rights Commission of Pakistan website http://www.hrcp-web.org/freedom_media.cfm – Accessed 14 February 2005 – Attachment 20)

Recent reports indicate that MMA workers, and JI members in particular, have been confronted by police in the lead up to, and on the day of, the so called "Black Day" protests which were launched by both the MMA and the ARD to demonstrate against Musharraf's refusal to quit his military command. For instance, A report published by the Pakistan Press International Information Services, on 12 December 2004, states that an MMA "[c]onvey [was] besieged by the Sialkot police while their drivers and conductors have also been detained" but that "no arrest of any MMA activist was made by Sialkot police". A report published in *The Nation* (Pakistan) on the day of the protest, on 1 January 2005, notes the comments of "MMA President Qazi Hussain Ahmed", who claimed that the police had responded to the protest by "arrest[ing] as many as 60 workers of Jamaat-e-Islami, including [some] from Multan, besides laying a siege around Jamaat headquarters, Mansoorah" ('Police halt MMA's convoy of 60 buses' 2004, Pakistan Press International Information Services, 12 December – Attachment 21; 'MMA, ARD to Compel Musharraf to Quit, Says Qazi' 2005, *The Nation*, 1 January – Attachment 22).

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