

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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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.

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**Questions**

- 1. Are there any reports of tribal jirgas in the NWFP issuing fatwas against the activities of certain NGOs deemed to be guilty of spreading Western values which are contrary to Islam and tribal custom?**
- 2. Is there a monthly magazine known as Leekewal?**
- 3. Does the Tanzin Ittehad Ulama have any influence in the Malikdin Khel?**

**RESPONSE**

- 1. Are there any reports of tribal jirgas in the NWFP issuing fatwas against the activities of certain NGOs deemed to be guilty of spreading Western values which are contrary to Islam and tribal custom?**

This question, together with the following two questions, was sent to Mr Hassan Abbas on 22 March 2007. Mr Abbas is a research fellow at Harvard University who in the past has worked as a police chief in North West Frontier Province (NWFP) and performed other administrative functions in Pakistan. He has written on the NWFP and the Federally Administered Tribal Areas (FATA) and is currently conducting research on the subject (RRT Country Research 2007, *Email to Hassan Abbas*, 22 March – Attachment 1).

Mr Abbas required payment for the extensive research necessary to answer all three questions [this exchange of emails is not attached], but was happy to offer an opinion on the first question, based on his past experience:

There are various kinds of jirgas operational in the Khyber agency at present. For instance, the one established in late December 2006 by the political establishment (sic) of the agency, comprising majority of important and influential figures of the area, are not likely to give this kind of fatwa. However, another jirga associated with Lashkar-e-Islam, for instance can certainly give this kind of fatwa.

I may also add that Kyber agency is comparatively closer to many settled areas of NWFP and the jirgas there are not as brutal and extremist as in other agencies such as south and North waziristan (Abbas, Hassan 2007, *Email to RRT Country Research: On Khyber Jirgas*, 22 March – Attachment 2).

A November 2006 report on a political “peace jirga” held in Peshawar contains some relevant remarks on the function of jirgas in the tribal areas in recent times:

The concept and function of jirgas has changed over the years. The jirgas convened by governments are stuffed with their nominees who make decisions favouring the rulers. The independent jirgas, such as those called by the tribes in FATA, mostly take decisions in keeping with riwaj (customs) and tribal traditions and in line with Islamic injunctions. There is no doubt the power of jirgas has diminished due to a host of reasons, ranging from government and political interference to the rise of moneyed classes able to influence tribal elders and clergymen. Jirgas like the one arranged by the ANP will have political and moral weight only because there is no official sanction for their decisions to be implemented.

The resolution adopted by the Pakhtun peace jirga called for unity among all Pakhtuns to stop the bloodshed in the areas populated by them on both sides of the Durand Line. It demanded an end to interference in Afghanistan’s affairs and condemned the use of force to settle disputes. The jirga showed concern over deterioration of the security situation in FATA after becoming a turf of conflict between armed combatants including foreigners and called for empowering the tribal Pakhtuns by granting them fundamental rights and undertaking political and administrative reforms with their consent. The jirga also demanded investigation of incidents in FATA in which indiscriminate use of military force was made and awarding punishment to those found guilty in accordance with the law (Yusufzai, Rahimullah 2006, ‘Pashtun Jirga for Peace: Will it Work under the Circumstances?’, *The News*, IntelliBriefs website, 24 November [http://intellibriefs.blogspot.com/2006\\_11\\_19\\_archive.html](http://intellibriefs.blogspot.com/2006_11_19_archive.html) – Accessed 20 March 2007 – Attachment 3).

A recent article by Hassan Abbas contains general comments on the role of the jirga in the FATA:

On political and social issues, it is the jirga (assembly of tribal elders) that define laws, regulations and policies. Pakistani courts and law enforcement have almost no jurisdiction over the area. Unelected jirga leaders from the region, however, were invited to become full members of the successive elected National Assemblies of Pakistan until 1997 to represent FATA. Due to their allegiance to the Pakistani establishment, they would always vote in favor of the ruling party on critical issues, but in reality the state’s writ is only on paper (Abbas, Hassan 2006, ‘Profiles of Pakistan’s seven tribal agencies’, *Terrorism Monitor*, Vol. IV, Iss.20, 19 October, The Jamestown Foundation, p.2 [http://www.jamestown.org/terrorism/news/uploads/TM\\_004\\_020.pdf](http://www.jamestown.org/terrorism/news/uploads/TM_004_020.pdf) – Accessed 22 October 2007 – Attachment 4).

A January 2006 news report refers to a tribal jirga involving Malikdin Khel elders, and indicates that the jirga may make rulings on a variety of subjects. In this case, the ruling was on development schemes and embezzlement of government funds:

A tribal jirga [council of elders] on Saturday [ 28 January] expressed dissatisfaction over the progress of development schemes in the remote Tirah Valley of the Khyber Agency. The jirga was held at Mehraban Kaley and was attended by elders belonging to Malikdin Khel, Qamar Khel, Sipah and Qambar Khel tribes.

The jirga alleged that development funds amounting to millions of rupees had been embezzled by government officials in the name of eradicating poppy cultivation and combating terrorism in their area.

Participants of the jirga said they allowed the deployment of army in the Tirah Valley along border with Afghanistan only after an assurance by government officials for the development of the picturesque valley.

The jirga observed that the government had failed to uphold its promises and local residents were still without proper health, education and communication facilities ('Pakistan tribesmen allege embezzlement of development funds' 2006, *BBC Monitoring South Asia*, 29 January, sourced from Dawn website 29 January 2006 – Attachment 5).

## **2. Is there a monthly magazine known as Leekewal?**

No information was found among the sources consulted on a magazine called Leekewal. Alternative spellings Leekiwal, Likewal and Likiwal were also tried without success.

## **3. Does the Tanzin Ittehad Ulama have any influence in the Malikdin Khel? (If this information is not easily accessible -not necessary to take any further)**

Material previously provided to the Member in the 2006 *Research Response PAK30614* states that the Malikdin Khel is a sub-tribe of the Afridis, which is the main tribe in the Khyber Agency, one of the seven Federally Administered Tribal Areas (FATA) of Pakistan. Material provided in that research response indicated that the Tanzin Ittehad Ulama is a tribal peacekeeping force which operates in the Khyber Agency; that tribal jirgas have at times entrusted it with the role of carrying out their injunctions; and that it has had clashes with extremist Islamist militias such as Lashkar-i-Islam.

No information was found on the current position of the Tanzin among the Malikdin Khel.

The recent news reports found that discuss the Malikdin Khel area refer to clashes between other groups, but do not mention the Tanzin Ittehad Ulama.

An August 2006 report discusses a clash between Lashkar-i-Islam and Ansarul Islam, and a ruling by the Malikdin Khel jirga:

Exchange of fire between the groups resulted in the death of Kar Shah and his nephew Ziaur Rehman of the Ansar group and Naseer and Ahmad Khan of Lashkar-i-Islam. Names of two other dead and two injured Lashkar men could not be ascertained and the bodies were immediately removed from the scene.

Local people claimed that the area's elders had informed the administration about the gravity of the situation after clashes between the two groups in Tirah on Friday resulted in the killing of three people and injuries to 12 others.

A Shalobar tribesman, Shah Wali, was killed and his colleague Mohammad Rasool injured when a hand grenade exploded in a trench in the Warsak area of Tirah valley.

Meanwhile, tense calm prevailed in Tirah area after a **Malikdin Khel jirga** effected a cease-fire between the Lashkar-i-Islam and Ansarul Islam on Saturday.

The two groups traded heavy gunfire on Friday when they refused to remove their flags from their houses in Warsak area. ('Seven dead as rival religious groups clash in Pakistan tribal area' 2006, *BBC Monitoring Newsfile*, source: *Dawn* website (14 August 2006), 14 August – Attachment 6).

An April 2006 report states:

Activists of a religious organisation on Tuesday torched the house of a leader of their rival group in the remote Tirah valley of Khyber Agency. The 70-year-old fort-like residence of Haji Sultan Mohammad situated in the Spin Drand locality of Tirah was reduced to ashes by the activists of the Lashkar-i-Islami, an armed wing of Mufti Munir Shakir supporters. Sultan Mohammad is considered as the right-hand man of Pir Saif ur Rehman. Inmates were able to vacate the house before it was set ablaze.

The self-proclaimed Amir of the Lashkar-i-Islam, Haji Mangal Bagh, on Monday had issued a warning to Sultan Mohammad on his FM station installed in the Gogrina village in Bazaar sub-tehsil of Landi Kotal to either surrender to the Lashkar or face punishment.

Sultan Mohammad said his request to the political administration for security after the warning had fallen on deaf ears.

He said he had very little time to shift his belongings from his house, which he confirmed was destroyed. Mangal Bagh and his supporters had shifted to Gogrina after their FM radio station in Nala-**Malikdin Khel** was destroyed by a mortar shell and their centre was occupied by the Khasadar force and Mehsud scouts on March 30. The Lashkar-i-Islami recently installed a new FM radio station in Gogrina despite opposition by local elders and the Landi Kotal political administration ('Supporters of Mufti torch rival's house' 2006, *Frontier Star*, 27 April – Attachment 7).

A December 2005 report states that paramilitary troops had to be sent into the area to resolve a clash between armed groups over rival radios stations:

More than 1,000 paramilitary troops were sent to Bara sub-division of Khyber Agency Thursday [22 December] to help the political administration in maintaining law and order, as two rival religious groups are bent upon expelling each other from the area.

Sources in the political administration and intelligence agencies confirmed that more than 1,000 troops of Bajaur Scouts, Mohmand Rifles, Mehsud Scouts and Khyber Rifles have been rushed to Bara ahead of the 25 December deadline given by Mufti Munir Shakir's group to Pir Saifur Rehman to leave the area before the expiry of the deadline or face the consequences.

Pir Safiur Rehman is an Afghan national from Samangan Province and has settled down in area of the agency inhabited by the Sipah sub-tribe of Afridis, while his rival groups headed by Mufti Munir Shakir is using the territory of **Malikdin Khel** sub-tribe of Afridis.

Mufti Munir Shakir is Khattak and has migrated from Karak district of NWFP [North West Frontier Province] to Sadda tehsil of Kurram agency and then made Bara his abode after he was expelled from Kurram agency by the political authorities for his alleged involvement in Sunni-Shi'i sectarian violence.

Both sides, local tribesmen said, have made preparations and brought in hundreds of armed men and heavy weaponry to be used against each other in case any side insisted on the forced eviction of the rival group. [passage omitted]

Mufti Shakir has announced through his FM radio that, in case of his death, arrest or inability to reach them through the private transmitter, his supporters should block the main Kohat-Mattani road and bring traffic to a standstill in the entire Khyber agency to force the pir to leave the area ('Pakistan troops sent to tribal area to avert armed clash' 2005, *BBC Monitoring South Asia*, 23 December, sourced from report by Behroz Khan on Pakistani *The News* website, 23 December 2005 – Attachment 8).

Another December 2005 report discusses the fighting over illegal radio stations in Malakdin Khel and other areas in the Khyber Agency:

The first such station was established by the activists of a religious group, Tanzim Amr bil Maroof wa Nehi Anil Munkir, to broadcast translation of Quranic verses, for which they acquired the services of a religious leader Mufti Munir Shakir. The mufti was expelled from Kurram Agency some time back due to his extreme views against Shias.

The services of Mufti Shakir were later acquired by the **Malikdin Khel** tribe after he developed differences with the amir of the tanzim, Haji Namdar, and a new FM station was established in **Malikdin Khel** area.

The Tanzim's own radio station was forcibly taken over by activists of Shiekhmal Khel tribe after the tanzim and Shiekhmal Khels developed differences over illegal checkpoints established in Qambarkhel area. Meanwhile, two more FM stations started functioning in **Malikdin Khel** and Qambarkhel areas. All those stations were established without the permission of the Khyber Agency political administration or Pemra ('Call to close all illegal FM radio stations in Khyber Agency' 2005, *The Baluchistan Times*, 21 December – Attachment 9).

A recent article by Hassan Abbas contains general comments on the Khyber Agency which may be useful:

Khyber Agency: It derives its name from the world famous Khyber Pass which provides the most vital and important link between Pakistan and Afghanistan. With a population of around 500,000, it is inhabited by two important tribes – Afridis and Shinwaris. Afridis are widely known as courageous, although British historians remember them as a rebellious and treacherous tribe. While short tempered, Afridis are known as good fighters who are pragmatic in picking their battles and making alliances. They respect Sufis (mystics) and their shrines, which intellectually aligns them with Barelvi Sunnis, the antidote of conservative and pro-Taliban Deobandi groups. The Afridi tribe has also produced great men of literature. Shinwaris, the second largest tribe of this agency, are also influential, but its members mostly inhabit the Ningrahar province of Afghanistan. They are largely involved in business activities. In recent years, Khyber Agency has been a trouble spot known for hosting illegal radio stations supporting religious extremism and encouraging pro-Taliban activities (*Dawn*, December 2, 2004; *Dawn*, December 19, 2005).

(Abbas, Hassan 2006, 'Profiles of Pakistan's seven tribal agencies', *Terrorism Monitor*, Vol. IV, Iss.20, 19 October, The Jamestown Foundation, p.2  
[http://www.jamestown.org/terrorism/news/uploads/TM\\_004\\_020.pdf](http://www.jamestown.org/terrorism/news/uploads/TM_004_020.pdf) – Accessed 22 October 2007 – Attachment 4).

## List of Sources Consulted

### External:

Mr Hassan Abbas, Kennedy School of Government, Harvard University

Internet Sources:

Google search engine

Factiva

Databases:

ISYS

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**List of Attachments**

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2. Abbas, Hassan 2007, *Email to RRT Country Research: On Khyber Jirgas*, 22 March
3. Yusufzai, Rahimullah 2006, 'Pashtun Jirga for Peace: Will it Work under the Circumstances?', *The News*, IntelliBriefs website, 24 November  
[http://intellibriefs.blogspot.com/2006\\_11\\_19\\_archive.html](http://intellibriefs.blogspot.com/2006_11_19_archive.html) – Accessed 20 March 2007
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7. 'Supporters of Mufti torch rival's house' 2006, *Frontier Star*, 27 April (FACTIVA).
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9. 'Call to close all illegal FM radio stations in Khyber Agency' 2005, *The Baluchistan Times*, 21 December (FACTIVA).