

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** PAK31685  
**Country:** Pakistan  
**Date:** 16 May 2007

Keywords: Pakistan – NWFP – Women’s rights activists – TNSM – Jaish-e-Mohammad – Internal relocation

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. Please provide information on the district of Dir in regard to militant Islamist groups such as the Tehreek Nifaz-e-Shariat-e-Mohammadi (TNSM) and the Jaish-e-Mohammad. Have these groups been known to target advocates of women’s rights or other liberal activists?**
- 2. Please provide further information on the situation for advocates of women’s rights, and other liberal activists, in Dir and the NWFP at large.**
- 3. Please provide information on the situation for advocates of women’s rights in more liberal locales of Pakistan, such as in Islamabad, Lahore and Karachi. Have any such activists in these cities been harmed by militant Islamists from the NWFP, or for activities conducted in the NWFP?**
- 4. Please provide information on any restrictions that might prevent relocating to a major city such as Islamabad, Lahore or Karachi.**
- 5. Is there any evidence to suggest that ethnic Pushtuns experience mistreatment in Pakistan as suspected supporters of Al Qaeda? What is the situation for Pashtuns in this regard in Karachi?**

**RESPONSE**

**Previous research: *Research Response PAK16614***

Research addressing issues relating to women’s rights NGOs in the NWFP was completed by RRT Country Research in 2004. The first response, *Research Response PAK16614* of 16 April 2004, provides:

- information on the various women’s rights organisations and the targeting of these groups by militant Islamist organisations in the area of Dir and elsewhere in the North-Western Frontier Province (NWFP) (under Question 1 and 3);
- information reporting on the issuance of *fatwas* against women’s rights activists, and other legal reformists, in the area of the NWFP (under Question 3);
- information on the suspected involvement of the *Tehrik Nifaz Shariat-e-Mohammadi* (TNSM; Movement for the Enforcement of Islamic Law) in enforcing executions mandated by such *fatwas* (under Question 3);

- information on the extent to which the enforcement of *fatwas* may, or may not, be avoided by relocation (Question 4);
- and information indicating the presence of the TNSM in Dir (under Question 5) (RRT Country Research 2004, *Research Response PAK16614*, 16 April – Attachment 1).

The information which follows updates and complements this information.

**1. Please provide information on the district of Dir in regard to militant Islamist groups such as the Tehreek Nifaz-e-Shariat-e-Mohammadi (TNSM) and the Jaish-e-Mohammad. Have these groups been known to target advocates of women's rights or other liberal activists?**

**2. Please provide further information on the situation for advocates of women's rights, and other liberal activists, in Dir and the NWFP at large.**

### **Security situation for women's rights activists in Dir and the NWFP**

Recent reports indicate militant Islamist groups have continued to target advocates of women's rights and other liberal activists and progressive non-government organisations (NGOs) across the NWFP's various districts, including Dir. On 5 April 2007, the *Dawn* news service reported that "[n]on-governmental organisations (NGOs) have borne the brunt of growing 'Talibanisation' in southern districts of the NWFP as most of them have suspended their activities in the areas". While the situation in the south would thus appear to be particularly dire at present, the report also lists certain northern districts, such as Dir, as "backward areas [in which] the security situation has become worse" and where women's rights workers "receive threats all the time". Perhaps the worst attack to have affected the district in recent times, the murder of "Aurat Foundation activist Zubaida and her daughter in Dir", was reported on 8 July 2005. According to *Dawn* the Human Rights Commission of Pakistan (HRCP) said that "the killing of 40-year-old Zubaida Begum and her teenaged daughter was indicative of the scale of threat posed to the lives of NGO workers, particularly women in the NWFP". A number of other women's rights workers were reportedly murdered in other areas of the NWFP in the months which followed the Dir killings and on 7 August 2006 *OneWorld South Asia* reported on these events as the product of a *fatwa*, stating that "attacks by Islamist groups on non- governmental organisations (NGOs) working with women have forced several to close their offices and move staff out of Pakistan's North West Frontier Province (NWFP)" ('NGOs bear brunt of growing "Talibanisation"' 2007, *Dawn* website, 4 April <http://www.dawn.com/2007/04/05/nat8.htm> – Accessed 14 May 2007 – Attachment 5; 'HRCP condemns NGO worker's murder in Dir' 2005, *Dawn* website, 8 July <http://www.dawn.com/2005/07/09/nat16.htm> – Accessed 14 May 2007 – Attachment 6; Yusufzai, A. 2006, 'Pakistan: Fatwa Bans Women Working With NGOs', *OneWorld South Asia* website, 7 August <http://southasia.oneworld.net/article/view/137466/1/1893> – Accessed 6 November 2006 – Attachment 7).

In April 2002 Amnesty International produced an extensive report on women's rights which noted the disruptive presence of the TNSM in Malakand and the manner in which, "[i]n the Dir area, representatives of the NGOs were threatened after they attempted to put up women candidates" in elections. The same report notes of the NWFP that: "[d]espite several members of the present government having worked in and with non-governmental organisations (NGOs) – and the government repeatedly emphasising its closeness to NGOs – it has done little to protect women's NGOs against attacks and harassment from conservative elements of society". Recent news reports indicate that the federal government's attempts to encourage women's participation in governance continue to be resisted in Dir and that

supporters of the banned TNSM continue to openly campaign on the streets of Dir in spite of the presence of what *The Daily Times* described as “a heavy police contingent”. The inability of the federal government to contain such activities would appear to be further frustrated by the Islamist coalition, the *Muttahida Majlis-e-Amal* (MMA), which controls the NWFP provincial government. The International Crisis Group (ICG) has observed that the MMA’s “[r]epeated denunciations of NGOs as un-Islamic and pro-Western...have created an atmosphere of harassment”; noting MMA comments that “this adverse reaction is partly due to the role of NGO’s in educating women” (‘Pakistan – Insufficient protection of women’ 2002. Amnesty International website, 17 April <http://web.amnesty.org/library/print/ENGASA330062002> – Accessed 7 April 2004 – Attachment 9; for information on recent reports of Islamist resistance to women’s rights in Dir, see: ‘Women’s rights to be protected: adviser’ 2004, *Dawn* website, 3 April <http://www.dawn.com/2004/04/04/nat13.htm> – Accessed 14 May 2007 – Attachment 10; and: ‘Violence Kept Women Away From Polls’ 2006, *Frontier Star*, 19 August – Attachment 11; for a recent report on the open presence of the TNSM in Dir, see: ‘TNSM demands Sharia’ 2007, *Daily Times* website, 24 April 2007 [http://www.dailytimes.com.pk/default.asp?page=2007\04\24\story\\_24-4-2007\\_pg7\\_21](http://www.dailytimes.com.pk/default.asp?page=2007\04\24\story_24-4-2007_pg7_21) – Accessed 24 May 2007 – Attachment 12; International Crisis Group 2003, ‘Pakistan: The Mullahs and the Military’, Asia Report no.49, 20 March, p.30 – Attachment 8).

### **The TNSM in Dir and the NWFP**

On 30 November 2006, The Jamestown Foundation’s *Terrorism Monitor* provided an overview of the TNSM’s history and an update on the group’s current operations; reporting that the TNSM continues to grow as a “potent force of extremism in Pakistan”. The report notes that Sufi Mohammad, the TNSM’s founder and imprisoned leader, is “associated with a seminary in Lal Qila in Dir”; that the TNSM’s early operations saw them effectively “take control” of the Dir area; the “failure of law enforcement” to contain the TNSM’s activities; and that currently the ‘TNSM’s primary base’ is “the Malakand region” (which is comprised of the “Dir, Swat and Chitral” districts). Two pertinent extracts follow below. The first provides a brief summary of the current status of the TNSM. The second gives an impression of some of the ways in which the TNSM’s puritanical interpretation of Islam has affected women living in areas under the network’s influence:

Tehreek-e-Nafaz-e-Shariat- e-Mohammadi (TNSM, Movement for the Enforcement of Islamic Laws) is emerging as one of the most dangerous religious militant groups in Pakistan. Its founder and leader, Sufi Mohammad, is behind bars and the organization was banned in early 2002. Still, its support base in the Pakistan-Afghanistan border areas (especially in Malakand district and Bajaur Agency) is solid. The organization witnessed its peak in 1994-95 when Pakistan experienced its first brush with this indigenous Taliban-style movement. At this time, the group took to the streets in large numbers in the Malakand region and demanded the enforcement of religious laws. The Pakistani government responded in a lackluster and weak manner, providing additional confidence to TNSM’s cadres. The failure of law enforcement, coupled with the chronic lack of imagination on the part of Islamabad, ensured a long life for the organization. Today, TNSM is a potent force of extremism in Pakistan.

The U. military campaign in Afghanistan, beginning in late 2001, gave TNSM new energy and enthusiasm. The Pakistani army has faced tough resistance from many Taliban and al-Qaeda supporters in the Pashtun tribal belt since it began its military offensive in 2002, and TNSM is now at the forefront of these activities. The deadliest attack on the Pakistani military in the tribal zone on November 8 is widely believed to be a TNSM orchestrated operation.

...TNSM's first major action was its strident demand for the introduction of Sharia law in Malakand Division (which, before the implementation of the 2002 devolution plan, included the present day districts of Malakand, Swat and Chitral), expressed at a gathering in Timergara in Dir on May 9, 1994...Malakand suffered in the process greatly. Already a conservative area, the roots of extremism became entrenched. For instance, in the case of women – already bound tight by traditions and coerced to stay within their homes or behind their veils – their space became even more restricted. During electoral campaigns, the female candidates (to fill the special seats reserved for women) were compelled to affix their husband's photograph onto registration papers instead of their own. Subsequently, husbands of elected women even began attending official activities (Abbas, H. 2006, 'The Black-Turbaned Brigade: The Rise of TNSM in Pakistan', *Terrorism Monitor*, Jamestown Foundation website, vol.iv, no.23, pp.1-2 [http://jamestown.org/terrorism/news/uploads/TM\\_004\\_023.pdf](http://jamestown.org/terrorism/news/uploads/TM_004_023.pdf) – Accessed 15 May 2007 – Attachment 4).

For previous research on the involvement in the TNSM in targeting persons working for women's rights see *Research Response PAK30033* of 21 March 2006 which is supplied as Attachment 18. For further information on the TNSM generally, see *Research Response PAK30065* of 12 April 2006 which is supplied as Attachment 17 (RRT Country Research 2006, *Research Response PAK30033*, 21 March – Attachment 18; RRT Country Research 2006, *Research Response PAK30065*, 12 April – Attachment 17).

### **The Jaish-e-Mohammad in Dir and the NWFP**

On 19 November 2006 a paper published by the South Asia Analysis Group (SAAG) reported that "the Jaish-e-Mohammad (JEM), which now calls itself Al Rahman Trust" was active "in the Timergara and Warai areas of Dir". The report also noted the presence of several other Islamist organisations in Dir:

At least three major jihadi groups maintain their liaison and recruitment offices in the Timergara area of Lower Dir District. These include the JEI-backed Hizbul Mujahideen (HM), former JI affiliate Al Badr Mujahideen, now re-named as Al Suffa Foundation, and the Lashkar-e-Toiba (LET), now known as Jamaat-ud-Dawa (JUD). Other jihadi organisations that have representatives in the Timergara and Warai areas of Dir include the Jaish-e-Mohammad (JEM), which now calls itself Al Rahman Trust, the Harkat-ul-Ansar (HUA), the Harkat-ul-Mujahideen (HUM) and a Kashmiri group called the Pasban Millat.

Reliable sources in the area claim that these organisations liaise closely with Al Qaeda and Taliban militants based in the Bajaur Agency and have operations inside the Eastern Afghan provinces of Kunar and Laghman. However, the representatives of these outfits make no such claim. They are more forthcoming on their activities in Kashmir than in Afghanistan. They display openly on their notice boards the details of their activities in Kashmir. They contain information such as the last group to cross into Kashmir, the names of those recently "martyred" etc (Raman, B. 2006, 'NWFP Increasingly Under Anti-India, Anti-US Jihadi Control – International Terrorism Monitor: Paper No. 154', South Asia Analysis Group website, no.2031, 19 November <http://www.saag.org/papers21/paper2031.html> – Accessed 14 May 2007 – Attachment 14).

In October 2001 *The Guardian* reported that *Jaish-e-Mohammad* maintained a training school for its fighters in Dir and that the head of this school, Maulana Zia-ul Haq, had "issued a fatwa calling on men in Dir to forcibly marry the aid workers. 'When you marry them you can keep them hostage in your home and under strict observation,' he explained" to *The Guardian's* reporter:

One of the largest contingents of experienced fighters left last week from a madrassah, a mosque school, in Maidan Bandai, a tiny village in Dir, a northern tribal area loosely controlled by the local provincial government.

“I have 450 students in my madrassah and last week I sent all except the youngest to fight the jihad in Afghanistan. It is their Islamic duty to go and safeguard the innocent,” Maulana Zia-ul Haq, the madrassah cleric, said.

Mr Haq, a charming man with a dark, bushy beard and steeped in religious education, is the Dir area commander for two of Pakistan’s most feared militant groups, Harkat-ul Mojahedin and Jaish-e Mohammad.

He has close links with the Afghan leadership. He met Osama bin Laden during the war against the Soviet occupation of Afghanistan. Mullah Mohammed Omar, the supreme leader of the Taliban, spent six months as a 22-year-old studying in the Maidan Bandai madrassah, under Mr Haq’s father.

For nine months a year Mr Haq gives his students, all male and mostly from poor families, a rigorous religious education focused on memorising the Koran in Arabic. The remaining three months they spend on a holy warrior’s summer camp: fighting in Afghanistan or Kashmir.

All are taught to handle weapons – Kalashnikovs, anti-aircraft guns, mortars, grenades and anti-personnel mines – at a secret training camp used by militant groups in Balakot, close to the line of control which divides Indian and Pakistani Kashmir.

“I am the chief here for Harkat and Jaish-e Mohammad so I make sure they get training,” said Mr Haq

...He issued a fatwa calling on men in Dir to forcibly marry the aid workers. “When you marry them you can keep them hostage in your home and under strict observation,” he explained (McCarthy, R. 2001, ‘Students cross border for jihad’, *The Guardian* website, 2 October <http://www.guardian.co.uk/afghanistan/story/0,1284,561714,00.html> – 14 May 2007 – Attachment 15).

*Jaish-e-Mohammad* was originally formed to fight in Indian controlled Kashmir and available information suggests that the organisation is primarily concerned with fighting foreign troops in Afghanistan and the Kashmir, and also with opposing and Pakistani concessions to the West or India over related issues. The following extract from a September 2005 report, published by the Stockholm International Peace Research Institute, gives an impression of the organisation’s current priorities and actions:

Many of the jihadi groups that were active in the Kashmiri insurgency after the Afghan jihad are trying to distance themselves from terrorism in Pakistan. Organizations like Jaish-e-Mohammad (Army of Mohammed) and Lashkar-e-Taiba (Army of the Pure), which were banned by the government in 2002 in response to international pressure, have made serious efforts to distance themselves – at least in appearance – from domestic terrorist violence.

...[Nonetheless] [t]he jihadi groups operating in Kashmir have also been linked to terrorist incidents inside Pakistan. Many Jaish-e-Mohammad members were directly involved in terrorism in Pakistan and were arrested by the police in connection with such violence. According to reports, Jaish-e-Mohammad was involved in an attack on President Musharraf as well. One report claims, in fact, that Muhammad Jamil, one of the suicide bombers who blew himself up in an attempt to assassinate President Musharraf, was a member of Jaish-e-Mohammad, but that the investigators hushed up the issue (Khan, A.U. 2005, ‘The Terrorist Threat and the Policy Response in Pakistan’, Stockholm International Peace Research

Like the TNSM, the *Jaish-e-Mohammad* is known to subscribe to the Taliban's puritanical interpretation of the Deobandi school Islam and to be associated with other such Islamist groups in the region. Research on the various operations of the *Jaish-e-Mohammad* was completed by RRT Country Research in February 2006, and this information is supplied under Question 4 in Attachment 16 (RRT Country Research 2006, *Research Response PAK17773*, 7 February – Attachment 16).

**3. Please provide information on the situation for advocates of women's rights in more liberal locales of Pakistan, such as in Islamabad, Lahore and Karachi. Have any such activists in these cities been harmed by militant Islamists from the NWFP, or for activities conducted in the NWFP?**

The differences in attitudes towards women's rights in different areas of Pakistan are noted in a 2005 doctoral dissertation, *Social Status Of Rural And Urban Working Women In Pakistan – A Comparative Study*:

In cities like Peshawar and Queta female seclusion and gender segregation are observed most rigidly, and women rarely come into sight in public life. In contrast to this, in Karachi the most metropolitan city in Pakistan, many women work and women are much more visible in public life in general. Islamabad and Rawalpindi are situated in between these poles (pp.10-11).

...The close link between purdah and the sexualization of gender relations is very visible in Pakistani society. Pakistan's lower middle class's everyday life is dominated by purdah restrictions, which lead to an extensive segregation between the men and women's live without many interfaces for social interaction. The whole organization of social life is geared towards shielding women from men, protecting women from men gazing at them. In the mohalla, the residential areas, the houses are constructed in a way that they shield the female inhabitants from strangers. The small lanes and pathways of the mohalla are marked by high walls on both sides which is very visible in the NWFP and to a lesser extent in the big cities like Karachi and Lahore. Male visitors who are namahram or do not belong to the inner family circle are not allowed beyond the visitor's room. Therefore, as far as private area of the houses is concerned, the purdah rules for men are much stricter.

It is usual practice in Pakistan that when girls reach the age of seven or eight, they are not allowed to go outside any longer without the company of a mahram from the family. This is again observed very strictly in the areas of NWFP and Balochistan and to a lesser extent in the cities like Karachi and Lahore (p.18).

...if we take Pakistan into consideration things vary a lot from place to place. Girls from villages are receiving very little attention and the metropolitan areas are getting a lot of attention to help improve educational standards. In Islamabad, there are about 72% of student girls. But, if you look at Balochistan, there are only 13%. This difference is due to the difference between rural and city life, and the attitude of parents. For example, mothers in cities who are educated themselves send their girls to study. But the women in villages, who have a heavy workload and need girls to help, don't really pay attention to their daughters' education. Also, village people are more traditional and they do not think it a good thing to send girls out like that. They encourage the boys and discourage the girls. And keeping family rituals in mind, they separate the girls from an education (p.65) (Ferdoos, A. 2005, *Social Status Of Rural And Urban Working Women In Pakistan – A Comparative Study*, Universität



Osnabrück website, November, pp.10-11, 18, 65 [http://elib.ub.uni-osnabrueck.de/publications/diss/E-Diss561\\_thesis.pdf](http://elib.ub.uni-osnabrueck.de/publications/diss/E-Diss561_thesis.pdf) – Accessed 16 May 2007 – Attachment 28)

An August 2005 article reports that it is the more liberal approach to women's rights, such as that found in areas like Lahore and Karachi, which Islamist groups in Dir are consciously seeking to resist:

Pakistani women have been formally empowered to vote since 1956. In many cities and towns, especially the relatively cosmopolitan centers of Karachi, Lahore and Islamabad, women pursue public careers, including in politics. And, through her family's political machine and populist appeal, Benazir Bhutto twice was elected prime minister.

But in much of Pakistan, the men who rule their localities – landlords, tribal chiefs and mullahs – resist sharing power with women and cite ethnic traditions and interpretations of Islam as justification. In 2001, and again last month, political party leaders in lower Dir and several other districts announced they would bar women from voting or running in village-level elections.

"If we give women the vote, the situation will be the same as in Lahore, Karachi, Europe or the USA ... There will be obscenity and vulgarity and people will be diverted from the real meaning of life," said Hifz ur-Rahman, a mullah who runs a madrassa, or religious school, a few miles north of Shad's office. He is an activist of Jamaat ul-Ulama-i-Islami (JUI), a conservative religious party that is part of the ruling coalition here in Pakistan's North-West Frontier Province (Rupert, J. 2005, 'An unheard voice in Pakistan', *Newsday.com* website, 23 August <http://www.newsday.com/news/nationworld/world/ny-wopaki154394646aug23.0,4468063.story?coll=ny-worldnews-toputility> – Accessed 15 May 2007 – Attachment 27).

The security situation for advocates of women's rights would appear to be far better in Pakistan's metropolitan cities, such as Islamabad, Lahore and Karachi, than it is in outlying areas such as the NWFP. Women's rights organisations regularly campaign openly in such areas and it would appear that there is significant support base in the local community and within parts of the government for women's rights, despite some opposition. Reports of widespread campaigns of violence against advocates of women's rights could not be located. Nonetheless, some attacks on advocates of women's rights have reportedly occurred in areas like Islamabad, Lahore and Karachi and these follow:

**February 2007 in Gujranwala (70 km north of Lahore / 190km southeast of Islamabad)**  
Zilla Huma Usman, the minister for social welfare in Punjab province and an ally of President Pervez Musharraf, was killed as she was about to deliver a speech to dozens of party activists, by a "fanatic", who believed that she was dressed inappropriately and that women should not be involved in politics, officials said today.

...The attack happened in Gujranwala, 190km southeast of the capital Islamabad, where the minister's office is based.

...The gunman, Mohammad Sarwar, was overpowered by the minister's driver and arrested by police. A stone mason in his mid 40s, he is not thought to belong to any radical group but is known for his fanaticism. He was previously held in 2002 in connection with the killing and mutilation of four prostitutes, but was never convicted due to lack of evidence ('Pakistani minister killed for refusing to wear veil' 2007, *The Australian*, 21 February <http://www.theaustralian.news.com.au/story/0,20867,21262240-2703,00.html> – Accessed 16

May 2007 – Attachment 23; see also: ‘Pakistan: Women’s Rights Activist and Punjab Minister Killed Over “Dress Code” 2007, *Gulf News*, 21 February – Attachment 24).

#### **May 2005 in Lahore**

A leading Pakistani women’s-rights activist accused police yesterday of beating her and a group of supporters after they tried to hold a run to protest a ban on females participating in some sports.

Asma Jehangir, the former chief of the Human Rights Commission of Pakistan, and about 35 other people were detained Saturday as they prepared for their protest in the eastern city of Lahore.

Police released all the detainees later in the day without charge.

Authorities banned women from competing in foot races after Islamic hard-liners, who regard women’s participation in sports as against Islam, attacked runners at a similar event last month.

Ms. Jehangir vowed to hold another protest run next weekend.

“Our women activists were pulled by the hair.

“They were dragged along the road. They were beaten up severely. Their clothes were torn. They are all innocent people,” she said.

...Police denied abusing the detainees and said officers protected the protesters from being attacked by members of an Islamic religious group who gathered to oppose the run (‘Running for rights’ 2005, *The Globe and Mail*, source: *Associated Press*, 16 May – Attachment 25).

#### **April 2005 in Lahore**

In April, Yasmeen Kanwall, an activist with the women’s rights organization Women Workers Help Line (WWHL), was killed in Lahore. Her mother, Jamila, was a member of the local union council. It was believed Yasmin, 24, a health worker, was killed after she asked neighbours not to climb onto her rooftop, as her bathroom had no roof. She was six months pregnant at the time (Human Rights Commission of Pakistan 2005, ‘Women’ in *The State of Human Rights in 2005* [http://www.hrcp-web.org/images/publication/annual\\_report/pdf\\_2005/5-1.pdf](http://www.hrcp-web.org/images/publication/annual_report/pdf_2005/5-1.pdf) – Accessed 14 May 2007 – Attachment 26).

In the time available to complete this response no reports could be located that would indicate that advocates of women’s rights have been pursued by NWFP based Islamist groups to areas like Islamabad, Lahore and Karachi. Nonetheless, previous research has located some reports of persons being pursued from rural areas after violating local customs (these cases typically related to unauthorized marriages). This information is supplied in Attachment 28 under the heading ‘The effect of tribal jirgas beyond the tribal areas’ in Question 2 (see pages 22 to 24 in: RRT Country Research 2006, *Research Response PAK30614*, 11 October – Attachment 29).

#### **4. Please provide information on any restrictions that might prevent relocating to a major city such as Islamabad, Lahore or Karachi.**

Reports on freedom of movement in Pakistan note that the authorities have sought to limit access to certain areas, such as parts of Balochistan and the Federally Administered Tribal Areas (FATA), but access to major cities like Islamabad, Lahore or Karachi does not appear



to be restricted. Freedom of movement within such cities has, in recent years, been subject to certain restrictions with regard to certain political groupings and identities but it would not appear that any restrictions have been placed on the residency rights of citizens generally (see: US Department of State 2006, *Country Reports on Human Rights Practices for 2006 – Pakistan*, Section d. 'Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation', 6 March – Attachment 19; see also: Human Rights Commission of Pakistan 2005, Freedom of Movement' in *The State of Human Rights in 2005* [http://www.hrcp-web.org/images/publication/annual\\_report/pdf\\_2005/3-1.pdf](http://www.hrcp-web.org/images/publication/annual_report/pdf_2005/3-1.pdf) – Accessed 14 May 2007 – Attachment 20).

There is some information to suggest that the authorities have sought to regulate certain population movements through a quota system which provides for positive discrimination through the provision of access to state employment, and other benefits, to an area's historical residents. The identity proof employed in this quota system is known as the *domicile certificate*. It would not appear to be the case that the domicile certificate prevents freedom of movement *per se*. The Research Directorate of the Canadian Immigration and Refugee Board (IRB) sourced the following information on the Domicile Certificate in 1998 during a "telephone interview with the First Secretary (Consular) of the High Commission for the Islamic Republic of Pakistan in Ottawa":

A domicile certificate is issued by a local administrator and indicates the place of residence of a Pakistani citizen (i.e., rural or urban Sindh). It is also an acknowledgement of citizenship. Neither freedom of movement within Pakistan nor obtaining a job is dependent upon possessing a domicile certificate. A Pakistani citizen can move and set up a business anywhere s/he wants. A domicile certificate is helpful only in specific fields within the education and public sectors where the quota system is in place. For example, a certain number of government jobs are set aside for residents of rural Sindh, and therefore possessing a domicile certificate indicating that one's residence is there could affect one's employment possibilities (Immigration and Refugee Board of Canada 1998, *PAK30078.E – Pakistan: Whether possessing a domicile certificate can enable one to move to another part of the country, obtain employment or set up one's own business*, 17 September – Attachment 21).

The following further information on the Domicile Certificate was compiled by the IRB in 1990:

According to an extensive study of the quota system of regional representation in the public service and public schools, "the regional quota system in Pakistan is the determination of the individual candidate's place of residence, usually and confusingly referred to as 'domicile'" (Kennedy 1987, 191). The definition is thus ambiguous and the term refers to a complex reality that can be interpreted in several ways. Two different proofs of residence are issued to each citizen of Pakistan: the federal domicile certificate and the provincial residency certificate (Ibid). According to the Embassy of Pakistan in Ottawa, the domicile certificate is issued at age 18 and depends on the place of birth and/or schooling of each person (Telephone conversation of 4 October 1990). A written source consulted adds that domicile determination depends also of the place of father's domicile and the length of applicant's stay in the province or district (Kennedy 1987, 192). The rules applied to the determination of domicile, however, vary from province to province. In Sind, for example, the Sind Permanent Residence Certificate Rules of 1971 are used by "District Magistrates to follow detailed procedures for confirming residency both in the province and in the relevant district" (Kennedy 1987, 192). In principle, the domicile certificate cannot be changed throughout life (Embassy of Pakistan, telephone conversation of 4 October 1990). (Immigration and Refugee Board of Canada 1990, *PAK6954 – Pakistan: Information on 'domicile' in Pakistan (does the word apply to a city, a province or the country? how does one acquire a domicile? is it*

*possible to change domicile from one city to another or one province to another, and under what circumstances? can a person maintain domicile in more than one city or one province? to what extent does one's domicile in one city or province affect the entrance to public institutions of learning, the obtaining of employment in public and private sector, the acquisition of property both residential and commercial, in another city or province? if one is domiciled in one province, is such a person restricted in obtaining domicile in another province? can one freely move to another province to reside permanently?, 2 October – Attachment 22).*

**5. Is there any evidence to suggest that ethnic Pushtuns experience mistreatment in Pakistan as suspected supporters of Al Qaeda? What is the situation for Pashtuns in this regard in Karachi?**

It is largely accepted that large sections of the Pashtun (also: Pushtun, Pakhtun, Pathan, etc) population of Pakistan have supported the Taliban and militant Islamist groups associated with Al Qaeda. It has also been the case that some Pashtun resentment has developed towards the government for conducting operations targeting certain militant Islamist networks in the Pashtun populated NWFP. Nonetheless, no reports could be located that would suggest that the Pashtun people see themselves as being profiled by the Pakistan authorities as a consequence of their ethnicity. Further to this, a report published by the Jamestown Foundation's *Terrorism Focus* has noted that Pakistan's Pashtuns are powerfully represented in Pakistan's army and that their support is crucial to the stability of the Musharraf regime. The report cites Musharraf's recent decision to withdraw from operations against pro-Taliban militants in the Waziristan area of the NWFP as evidence of the regime's respect for Pashtun support. Some pertinent extracts follow:

Pashtun representation in the army is between 15-22% among officers and between 20-25% among the regular rank-and-file. However, Pashtuns from the NWFP, the third largest province out of four, and tribal areas together comprise only 16% of the country's overall population. Still, these figures are lower than the ratio of personnel from the largest province, the Punjab, which represents 56% of the country's population. Punjabi representation in the army is about 65% among officers and 70% among ranks. The remaining two provinces of the country, Balochistan and Sindh, consequently make up an even lower percentage of the army. The Pakistani army is often disdainfully dubbed as a Punjabi army by minority provinces. Among the well-informed though, the Pakistani army is considered a reserve of Punjabis and Pashtuns.

A more insightful fact is that out of the 11 chiefs of the army, four have been Pashtuns (Generals Ayub Khan, Yahya Khan, Gul Hasan Khan and Waheed Kakar), leading the institution for a total of 18 years (Dawn, October 13). Two of them imposed martial law and remained presidents of Pakistan. Ayub Khan, the first Pakistani commander-in-chief of the army, remained at the helm of affairs for eight years as army chief (1951-58) and an additional 11 years as head of the country (1958-69) (Dawn, October 13). Ayub Khan also promoted himself to field marshal in 1965 and is credited with developing the army into one of the most resourceful and powerful institutions in the country. If it is any indicator of his legacy, his hand-painted portrait can often be seen on the back of the trucks driving from one side of the country to the other—as the transport business overwhelming is in the hands of the Pashtuns.

Within the ranks, Pashtuns are known for their marksmanship, courage and loyalty. Although there are no all-Pashtun regiments, and only one corps of the nine total is headquartered in NWFP, many important training centers for soldiers (Peshawar, Nowshera, Mardan) and the only military training academy for officers (Kakul) are located in the NWFP.

Hence, Pashtuns are very well placed within the Pakistani army's infrastructure. Although there is no such thing as a Pashtun grouping, their opinion certainly matters. After all, when they go on leave, they interact with the people of their area and are influenced by local opinions. What happens in the NWFP and the tribal areas directly affects their views to which the military hierarchy is not oblivious. According to the renowned analyst Ahmed Rashid, "The Waziristan deal was to prevent dissension within the Pakistan Army—border guards dying, defecting. The deal was to satisfy the Army" (Center for Conflict and Peace Studies, Kabul, October 4).

...A well-researched media report from The Globe and Mail released on September 20, 2001 that profiled Musharraf in the immediate aftermath of the 9/11 terror attacks insightfully remarked that, "Musharraf has earned particular praise for bridging differences between the Punjabi and Pashtun officers who dominate Pakistan's 520,000-strong army," indicating that Pashtun officers' opinions are taken seriously by him (Abbas, H. 2006, 'Musharraf Contends with the Pashtun Element in the Pakistani Army', Jamestown Foundation website, *Terrorism Focus*, vol.3, no.42, 31 October [http://www.jamestown.org/terrorism/news/uploads/tf\\_003\\_042.pdf](http://www.jamestown.org/terrorism/news/uploads/tf_003_042.pdf) – Accessed 15 May 2007 – Attachment 30).

Nonetheless, Pashtun resentment towards the there Musharraf regime would appear to have recently contributed to an outbreak of violence in Karachi. A number of Pashtuns were reportedly killed, and Pashtun businesses and properties attacked, when Pashtun supporters of the secular Awami National Party (ANP) clashed with supporters of the Sindh's *Muttahida Qaumi Movement* (MQM). The following excerpts from an *Asia Times* report provide an overview of what occurred:

When suspended Chief Justice Iftikhar Mohammad Chaudhry received a rapturous welcome by thousands of people on his way to a rally in Lahore this past weekend, a deep sense of foreboding was awakened in the corridors of power in Islamabad.

The widespread protests since President General Pervez Musharraf suspended Chaudhry on March 9 on accusations of charges of abuse of power were taking on a distinctly anti-Musharraf flavor: the judicial crisis was being hijacked by the opposition political parties.

Musharraf's response was to meet fire with fire.

Weekend clashes between rival political parties in the port city of Karachi left more than 45 people dead and hundreds injured. Musharraf gave the several thousand special Rangers sent to the city orders to "shoot to kill" any "miscreants".

...When it was announced last week that Chaudhry would travel to Karachi to address the Sindh Bar Council, opposition and pro-Musharraf parties immediately announced plans for rallies. As it turned out, Chaudhry never left Karachi airport, but the rival parties nevertheless set about each other in the volatile city.

Karachi, the capital of Sindh province, has a history of unseating governments through popular movements, and neither side was prepared to back down.

On the Musharraf side, the ruling Pakistan Muslim League and its coalition partner in the federal and Sindh governments, the Muttehida Qaumi Movement (MQM), gathered forces. The Urdu-based MQM traditionally trumpets the rights of immigrants from India in Pakistan.

Activists of the Pashtun-based opposition, such as the Awami National Party (ANP) and the Pakistan People's Party Parliamentary (PPPP) of Benazir Bhutto, meanwhile, gathered in numbers.

As tension mounted in anticipation of Chaudhry's arrival on Saturday, the security forces withdrew from the streets, making it inevitable that violence would ensue, especially as MQM activists blocked off all roads to the airport.

Most of the victims were Pashtuns belonging to the ANP. With more than 1.5 million, Karachi has the biggest Pashtun population in the world.

...The eastern district became a battlefield between the MQM and the Pashtun jirga, an armed grouping of Pashtuns formed recently specifically to counter attacks on Pashtuns. Both sides exchanged heavy fire, with most casualties reported among the MQM.

The paramilitary forces instructed to kill on sight again remained in the background, perhaps feeling they would only make the situation worse.

Not that the government has been inactive. It has mounted raids across Punjab on the residences of opposition parties, and hundreds of people have been arrested.

...Ahead of Chaudhry's visit to Karachi, Pakistani intelligence agencies had planned to contain the traditional political parties, such as the Jamaat-i-Islami (JI) and the PPPP. But the well-organized JI had read the writing on the wall and lay very low, handing over the mantle of protest to the ANP, which took the brunt of the casualties.

The ANP and the MQM are both pro-Western and have in the past cooperated despite their ethnic differences. But the government set the stage for the bloody showdown between the MQM and the ANP.

The Pashtun populations in North West Frontier Province (NWFP) and southwestern Balochistan province are already restive because of Pakistani military operations against them in pursuing the "war on terror". (Significantly, Pashtuns make up 25% of the armed forces.)

The events in Karachi will certainly strengthen Pashtun bonds across the country – both NWFP and Balochistan shut down on Monday.

According to news reports, the MQM-anointed Sindh governor, Dr Ishratul Ibad, called the leader of the ANP, Asfandiyar Wali Khan, on Monday in an attempt to patch things up. Wali, though, clearly told the governor that the ruling coalition would face the music in reaction to what it had done on the streets of Karachi (Shahzad, S.S. 2007, 'Pakistan opposition tastes blood', *Asia Times Online* website, 15 May

[http://www.atimes.com/atimes/South\\_Asia/IE15Df05.html](http://www.atimes.com/atimes/South_Asia/IE15Df05.html) – Accessed 16 May 2007 – Attachment 33; for further information on the AWM as a secular force for Pashtun-nationalism, see pages 5 to 6 of: RRT Country Research 2006, *Research Response PAK30123*, 10 May – Attachment 34).

*BBC News* reported that "[i]n at least three incidents, Pashtun businesses and shops were targeted, allegedly by the MQM, according to the owners". *The Independent* reported that "[o]pposition groups say MQM, the dominant political party in Karachi made up of the same Urdu-speaking Mujahirs to which General Musharraf belongs, was targeting minority communities and particularly the city's Pashtun population". The extent of the inter-ethnic tensions is made apparent in a report published by *Dawn* on 14 May 2007:

Eleven workers of the Awami National Party were killed and 17 injured in Saturday's violence in Karachi while 10 workers were missing, said a party press release.

...Meanwhile, ANP's provincial president Afrasiab Khattak condemned the death of ANP workers and other innocent people at the hands of "MQM gangsters" in Karachi and termed it a national tragedy.

In a statement issued here on Sunday, he appealed to all Pakhtuns to join hands against this barbarism and brutality on part of the armed "gangsters of the MQM" and asked them to participate in Monday's protest demonstrations. He demanded a judicial inquiry into the bloodshed in Karachi and exemplary punishment to the culprits.

He said the only sin of the ANP workers was they were struggling for the independence of judiciary. He said professional killers had opened indiscriminate fire on peaceful participants of the rally in front of law-enforcement agencies' personnel. He alleged that the barbarism of the MQM showed that the Sindh province was ruled by a killer.

Mr Khattak said the Pakhtuns living in Karachi and other parts of Sindh were not alone and they were backed by the Pakhtuns of the NWFP, Balochistan and Fata. He said if federal and Sindh governments failed to protect the lives and properties of the Pakhtuns, they knew well how to protect themselves. He said the ANP would observe Monday as a black day against the Karachi incident ('11 activists killed in Karachi, says ANP' 2007, *Dawn* website, 13 May <http://dawn.com/2007/05/14/nat6.htm> – Accessed 16 May 2007 – Attachment 31; 'Fresh clashes on Karachi streets' 2007, *BBC News* website, 13 May [http://news.bbc.co.uk/2/hi/south\\_asia/6650897.stm](http://news.bbc.co.uk/2/hi/south_asia/6650897.stm) – Accessed 16 May 2007 – Attachment 35; Taylor, J. 2007, 'Strikes paralyse Karachi in protests over violence', *The Independent*, 15 May – Accessed 16 May 2007 – Attachment 36).

It should also be noted that Karachi has long been a scene of ethnic tension in which competition between the migrant Pashtun population and other communities in the city has produced social cleavages. The following report provides historical background on the ethnic tensions which have built up over the years between Pashtun (or Pathan) and non-Pashtun communities living in Karachi.

Until the beginning of the 1980s, most dallals were either Punjabi or Mohajir but this situation changed with the irruption of Pathan entrepreneurs in Karachi's informal housing market. Many Pathan transporters, who often happened to be policemen, started investing in real estate in the 1980s and so did several of the drug and arms barons who made their entry on Karachi's political stage during the Afghan war. Within a few years, Punjabi and Mohajir dallals had lost the control of Karachi's informal housing market to the Pathans, who imposed a new *modus vivendi* in squatter settlements : after land was seized by gunmen, plots were developed and rent to tenants who could be evicted at will. Coercion and violence were not new to Karachi's bastis, but they had never reached that level and the Pathans often met with resistance, particularly in Orangi, Karachi's largest squatter settlement, with an estimated population of about one million.

...Karachi's first major "ethnic riot", which took place in April 1985 and claimed at least a hundred lives, mobilised Mohajir, and more particularly Bihari basti dwellers vs. Pathan gunmen who were trying to extend their influence to mohallas situated at the margins of their recently consolidated "territories". In Orangi, the main battlefield was situated between Banaras Chowk and the Metro Cinema, an area adjacent to new Pathan strongholds. During the December 1986 riots, Pathan gunmen also attacked mohallas adjacent to their zones of influence, such as Aligarh Colony. Most of the residents of these two bastis happened to be "Biharis", i.e. "stranded Pakistanis" freshly repatriated from Bangladesh. These newcomers were the most vulnerable inhabitants of the city, since they had not taken roots yet. However, they were often familiar with war and military organisation, as the founder of the first Canadian unit of the Mohajir Qaumi Movement (MQM) recalls.

...With each community boasting of its respective “martial traditions” and stockpiling weapons to counter the enemy’s threat, what were originally housing conflicts turned into ethnic rivalries.

...This urban crisis only took an “ethnic” tone due to the communal division of work in the city and to the ethnic affiliations of the main protagonists in Karachi’s new real estate politics. In other words, all inhabitants of Karachi came to see the Pathans as factors of nuisance and insecurity not because of their ethnic origins but because of their professions, and the clashes which occurred between Pathans and Biharis in April 1985 and December 1986 had less to do with ethnicity than with the new politics of real estate development in the city’s squatter settlements. The new demography of the city also came to play a key role in Karachi’s slip into violence in the 1980s.

...In the second half of the 1980s, these aggrieved and playful youths became the backbone of the MQM and the main architects of the “parallel local state” which the party started running in Karachi after it swept municipal polls in 1987. This “secondary state” came into being through a symbolic construction and occupation of space. The visual environment was saturated with political slogans and symbols, while boundaries between ethnically polarised communities were materialised by khaki check-posts and barbed barricades. Since 1987, the MQM bastions are situated in the middle income areas of District Central and District East, such as Nazimabad, Liaqatabad, Azizabad, Federal B Area, New Karachi and Gulshan-e Iqbal. District South has traditionally been under the influence of the PPP, which also has a strong presence in Malir. District West, for its part, has remained under the control of the ANP, which is particularly powerful in Baldia, Pathan and Qasba colonies (Gayer, L. 2003, ‘A divided city. “Ethnic” and “religious” conflicts in Karachi, Pakistan’, Centre D’études et de Recherches Internationales website, May <http://www.ceri-sciencespo.com/archive/mai03/artlg.pdf> – Accessed 16 May 2007 – Attachment 32).

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