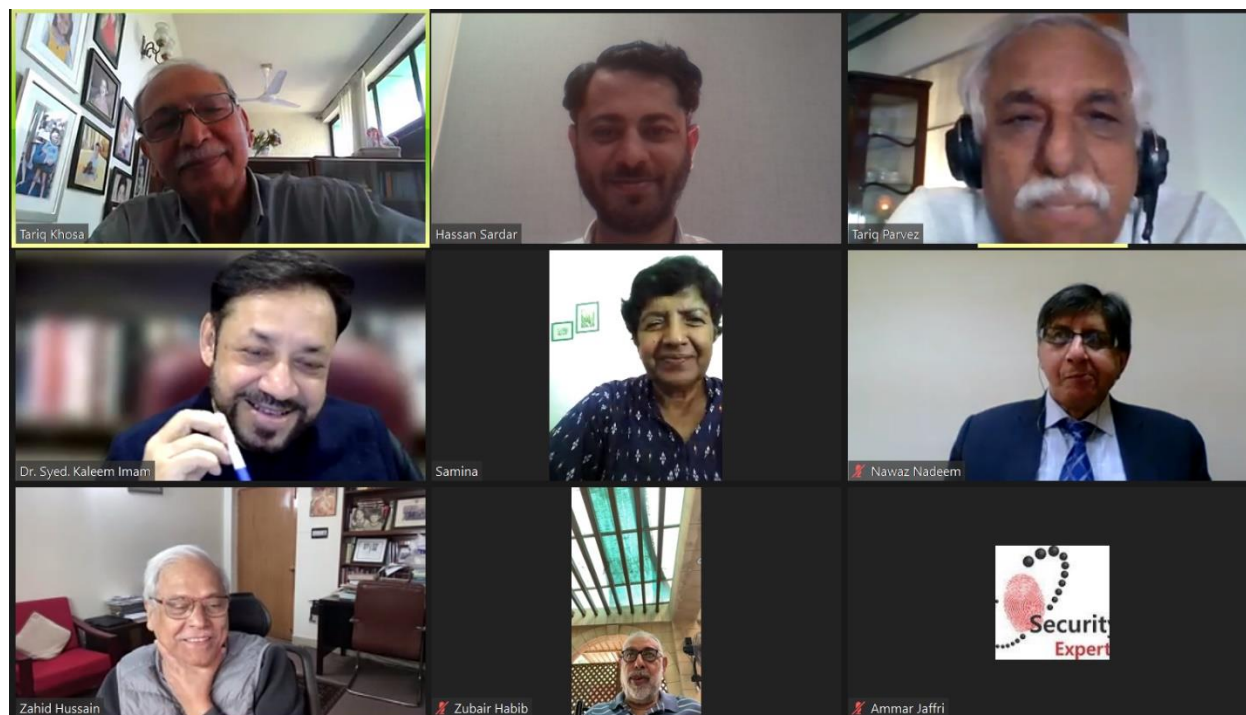


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NIOC's 45th Advisory Board Meeting



NIOC's 45th Advisory Board Meeting was held on Monday 23 October at 12 pm. The following AB Members participated: Tariq Parvez, Zahid Hussain, Samina Ahmed, Zubair Habib and Jawaid Akhtar. Manzoor Ahmed could not attend to his other professional commitments. NIOC Directorate was represented by the following: Tariq Khosa, Kaleem Imam, Ammar Jaffri, Nawaz Nadeem and Hassan Sardar.

The following matters came under discussion:

- 1) TIP NAP by FIA requires a stock take. Kaleem Imam will get in touch with DG FIA and undertake stock take on behalf of the civil society. He will be assisted by Azam Khan and Nawaz Nadeem.
- 2) TIP Threat Assessment Study will be carried out by CGR under the supervision of Mr Tariq Parvez with effect from 1 Nov 2023. Data collection will be undertaken in Nov-Dec 2023. Sarmad Saeed, assisted by Azam Khan and Nawaz Nadeem, will do the needful in coordination with DG NPB and DG FIA.
- 3) Major TIP and SoM cases will be monitored to assess progress. Nawaz Nadeem will do the needful.

- 4) Preventing Violent Extremism (PVE) Study Concept Note will be circulated by Mr Tariq Parvez.
- 5) CGR will issue a Position Paper on Transnational Organized Crime to sensitize the political parties and other key stakeholders during the current national elections' pre-poll stage. Kaleem Imam is requested to do the needful.
- 6) Saroop Ijaz will explore coming up with a Human Rights Watch framework on the current state of fundamental rights in the country.

Exporting beggars

A RECENT revelation by the Senate Standing Committee on Overseas Pakistanis during a briefing to the Senate has caused considerable embarrassment for the country. The shocking statistic of 90pc beggars arrested abroad – particularly in Saudi Arabia, Iran and Iraq – being Pakistanis not only raises concerns regarding human trafficking but also carries far-reaching implications for our global image. It is highly unfortunate that pilgrim visas are being misused for such activities and it is a matter of grave concern that at a place of extreme reverence, Masjid al-Haram, pickpockets are found to predominantly be Pakistanis. To add insult to injury, Japan has emerged as a new destination for such activities, further broadening the scope of the challenge.

The state must reflect on what prompts such acts of desperation. A knee-jerk reaction would be to blame poverty. Indeed, according to the World Bank, as of 2023, nearly 40pc of Pakistan's population has fallen below the poverty line. But simply offering cash handouts through the flagship national social safety net, known as the Benazir Income Support Programme, will not do. The beneficiaries must also be provided a skills-based education so they can not only climb over the poverty line but become self-sufficient, too. The issue also goes beyond poverty and its redressal. One must not forget to question how it is that professional beggars – if they can be called that – take their begging bowls to foreign soil. If human trafficking rings are at work, they must be dealt with with the full force of the law and dismantled. Furthermore, there need to be in place proper checks for those exiting the country, all the while taking care that legitimate travellers are not harassed. Most importantly, creating opportunities for respectful employment at home must be our way forward. Let us rewrite our story; one that showcases the immense potential of our people, rather than perpetuating negative stereotypes.

SOURCE: DAWN, OCTOBER 2, 2023

Pakistanis among 40 nations facing backlash for reporting rights abuses

Pakistan is among the 40 countries across the world where over 220 individuals and 25 organisations faced threats and retaliation from the state and non-state actors for cooperating with the United Nations on human rights, reveals a new report of the UN Secretary-General.

The report titled, 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights' covering the period from May 1, 2022 to April 30, 2023, was recently presented at the Human Rights Council (HRC) session in Geneva. The session will continue till Oct 6.

The report says human rights defenders and other civil society activists are increasingly under surveillance and continued to face legal proceedings, travel bans and threats and they are given prison sentences for cooperating with UN's human mechanisms.

The UN secretary-general said that the organisation has a collective responsibility to prevent and address intimidation and reprisals, guided by the principle of "do no harm" and a victim- and survivor-oriented approach.

"Considerable progress has been made in shedding light on and addressing the issue, including through initiatives on civic space under 'Call to Action for Human Rights', the UN chief said.

"The UN is committed to strengthening its efforts to prevent reprisals, including through clear zero-tolerance messages and by awareness-raising among staff, member states and civil society interlocutors. We will further strengthen our response to reprisal cases and ensure appropriate systems are in place to identify, document and report on incidents, including those in the annual reports. We will reinforce the dissemination of information on what reprisals are and how to report incidents, in particular for UN bodies where reprisals are repeatedly reported," he added.

"A global context of shrinking civic space is making it increasingly difficult to properly document, report and respond to cases of reprisals, which means that the number is likely much higher," said Ilze Brands Kehris, Assistant Secretary-General for Human Rights, in her presentation to the HRC on Thursday.



“Despite ongoing efforts, regrettably, the number of reported acts of intimidation and reprisal by state and non-state actors remains high and their severity is very concerning,” she said.

“The global trends documented this year are also similar to those identified in previous reports, but with new emerging tendencies,” the UN official said.

Among the growing trends noted in the report is the increase in the number of people either choosing not to cooperate with the UN due to concerns for their safety, or only doing so if their identities remain anonymous.

Victims and witnesses in two-thirds of the countries listed in the report requested anonymous reporting of reprisals, compared with one-third in the last year’s report.

Most of the people who reported facing reprisals for their cooperation with the Security Council and its peace operations, as well as with the UN Permanent Forum on Indigenous Issues did so on the condition of anonymity.

Algeria, Afghanistan, Andorra, Bahrain, Bangladesh, Belarus, Burundi, Cameroon, China, Colombia, Cuba, Democratic Republic of the Congo, Djibouti, Egypt, France, Guatemala, India, Indonesia, Iran, Iraq, Israel, Saudi Arabia, Libya, Maldives, Mali, Mexico, Myanmar, Nicaragua, the Philippines, Qatar, the Russian Federation, South Sudan, United Republic of Tanzania, United Arab Emirates, Uzbekistan, Vietnam, Venezuela (Bolivarian Republic of), Yemen, and the State of Palestine are also on the list alongside Pakistan.

SOURCE: DAWN, OCTOBER 2, 2023

Punjab busts gang trafficking kidneys to wealthy clients

Caretaker Chief Minister of Punjab Mohsin Naqvi claimed that the police have apprehended gang members involved in conducting over 300 unlawful kidney operations.

Mr Naqvi told a press conference that Fawad Mukhtar, who led the gang, and his co-accused had been arrested and the police team that did the job would be awarded a cash prize of Rs500,000.

He said the main accused unlawfully extracted the kidneys of 328 people and transplanted them to his rich clients.



Mr Naqvi said that the suspect, who had been arrested at least five times in the past, had confessed to performing 328 such operations and this number might go up as interrogation was underway.

The chief minister claimed that Mukhtar's assistant was basically a mechanic who would administer anaesthesia to the victims.

The gang, reportedly active in the areas of Lahore, Taxila and Azad Jammu and Kashmir, conducted kidney operations at homes instead of an operating theatre at a hospital. The CM said local patients would be charged Rs3 million and foreigners Rs10 million for a kidney transplant.

The CM said the notorious surgeon was arrested multiple times, but each time he managed to secure bail and resumed the illegal business.

However, he vowed that the government would ensure proper prosecution so that there was no need to arrest him for the sixth time. “The chief secretary and his team are working and the prosecution has been directed to submit a strong challan with the court,” he said, adding that the policemen who helped Mukhtar escape last time had been “suspended”.

The matter to hand over the case to the FIA would be discussed, Mr Naqvi said.

In reply to a question, the CM said three deaths had so far been confirmed due to the so-called operations conducted by Mukhtar’s gang.

SOURCE: DAWN, OCTOBER 2, 2023

Southern conundrum

MOHAMMAD ALI BABAKHEL

THE south of Khyber Pakhtunkhwa (KP) has historically been a turbulent region. It has been a haven for freedom-loving anti-imperialists as well as those with an intense devotion to religion. It has seen long-drawn tribal feuds and major demographic transitions. All of these factors have kept the region alive in the news and in history books.

Of KP's total area of 101,741 square kilometres, south KP occupies 36,655 sq km, or 36 per cent. The region is administratively divided into three divisions and 12 districts (including the recently bifurcated South Waziristan). North Waziristan's border with Afghanistan stretches over 183km, and it neighbours the Afghan provinces of Khost, Paktia and Paktika, where militants are reportedly concentrated. South Wazir-istan's border with Afghanistan stretches over 107km and, further north, Kurram shares a 192km boundary with Afghanistan, adjoining Nangarhar, Khost, and Paktia.

After a spike in militancy and counterterrorism operations, certain parts of south KP experienced significant demographic changes. People from South Waziristan, North Waziristan, Kurram and Orakzai migrated to Tank, Dera Ismail Khan, Bannu, and Kohat, respectively. D.I. Khan's population grew from 852,995 in the 1998 census to 1,625,088 persons in the 2017 census. Likewise, in 1998, Tank counted 238,216 people, rising to 390,626 in 2017. In 1998, Bannu had 675,667 people, which rose to 1,167,071 in 2017. Displacement and migration simultaneously de-tribalised the local culture while burdening the urban areas of Kohat, Bannu, and D.I. Khan.

Militancy in south KP is a consequence of historical, political and socioeconomic factors. The region lacks linguistic or ethnic homogeneity. Its effective governance requires a thorough understanding of its history, diversity, and the nature of its tribal dynamics. The Wazir, Bhattani, Mehsud, Kundi, Bangash, Paracha, Afridi, Khattak, Banuchi, Marwat, Gandapur, Miankhel, Turi, Orakzai, and Banuri are its major tribes. Pashto, Seraiki, Hindko, Brahui, and Urdu are the spoken languages. The region also has substantial sectarian diversity, including a significant Shia presence in D.I. Khan, Kurram, Kohat, and Hangu.

South KP is home to conservative tribal communities that feel marginalised, and which shuttle between nationalism and religiosity. Poverty, unemployment and a lack of access to education and basic services have contributed to their sense of general hopelessness, leaving the poverty-stricken youth susceptible to radicalisation and militant recruitment. External actors have exploited the local population's feelings of marginalisation to their advantage.

Furthermore, poor infrastructure has hampered trade and economic development. A long spell of militancy and other factors have disrupted rail and air connectivity: the railway stations in

Tank, Bannu, Hangu, Usterzai, and Thal stand abandoned, while the airports in Bannu, Parachinar, and D.I. Khan are no longer operational. Newly constructed roads in the former tribal areas have, however, bridged some distances and improved governance, trade, and the mobility of security forces.

South KP gets very little time and space in Pakistani media. Keeping in view the communication barriers, radio broadcasts may prove an effective medium of communication in the region and may help counter prevailing extremist narratives. Radio Pakistan has a radio station in D.I. Khan, and FM radio stations are on air in Bannu, Hangu, Kohat, and North Waziristan. In the absence of effective communication, people rely on alternative media, external broadcasts, and social media content to get information, but these mediums often carry provocative content that may be detrimental to Pakistan's interests.

Bannu, D.I. Khan, Kohat and Kurram were notified districts during the British era, so all, except Kurram, have cantonments. These districts were established primarily on the basis of their strategic importance; the colonial rulers wanted to improve their control over the tribal areas and improve revenue collection. Because the remaining districts in south KP were established after independence, the infrastructure they inherited was weak, which impacted public service. The mere creation of any more districts will not serve the interests of the state or the public; therefore, infrastructural development, improved public service delivery, and revenue collection should be the key focus areas.

The dividends from the 25th Amendment for the newly merged districts have come in the form of a growing realisation and acceptance of different institutions and fundamental human rights. However, resources are limited and expectations high: how to deliver in this context remains the real challenge.

SOURCE: DAWN, OCTOBER 2, 2023

US offers to help Pakistan deal with terrorism



In this file photo, Matthew Miller, the State Department's spokesperson, addresses a press briefing on June 16.

WASHINGTON / ISLAMABAD: The United States offered to work with Pakistan on strategies that can better assist the country's efforts to counter all forms of violent extremism.

Asked to comment on recent terrorist attacks that killed scores of people across Pakistan, US State Department Spokesperson Matthew Miller noted that both countries have continued to face various acts of terrorism, targeting innocent civilians.

Extending "deepest sympathies" for those killed and injured in those attacks, the US official noted that Pakistanis had suffered tremendously from terrorist attacks.

"They deserve to practice their faith without fear. We, of course, offer condolences to families who lost loved ones and a speedy recovery to who are injured," he added.

Asked how the US could help Pakistan deal with this threat, Mr Miller said: "We cooperate with Pakistan in a range of multilateral fora on issues including terrorist designations and global strategies to defeat terrorist groups."

He pointed out that earlier this year, the United States and Pakistan held a high-level counter-terrorism dialogue to discuss shared terrorist threats facing the two countries.

During these talks, the two sides discussed various strategies to cooperate in areas such as border security and terrorist financing.

“And we will continue to work with Pakistan to ensure that we can better assist Pakistan’s efforts to counter all forms of violent extremism,” he added.

Civilian deaths rose 87pc in Sept

Separately, according to data released by the Pakistan Institute for Conflict and Security Studies, the number of civilian casualties in militant attacks almost doubled in September, as compared to the preceding month, despite 34 per cent fewer incidents.

In 65 reported militant attacks in September, 136 civilians, military and law enforcement agencies personnel lost their lives, while 144 were injured.

The civilian death toll stood at 84, up by 87pc from 45 who had met a similar fate in August.

The number of attacks declined by 34pc as compared to 99 in August. Despite a considerable decline in attacks, September was still the worst month in terms of number of incidents since March 2015.

At the provincial level, mainland Khyber Pakhtunkhwa – excluding areas of erstwhile Fata – saw 23 attacks, resulting in 34 deaths and 73 injuries.

In the tribal districts, 17 attacks were reported, causing 19 deaths and 18 injuries. The data showed 20 reported attacks in Balochistan with 77 casualties and 46 injuries, while Sindh reported four militant attacks, which resulted in five deaths and two injuries.

There was also a lone attack in Azad Kashmir – the assassination of an activist who was formerly associated with the proscribed Jamaatud Dawa in Rawalakot town on September 8.

SOURCE: DAWN, OCTOBER 3, 2023

Killjoys in Swat

IN yet another blow to women's rights in Pakistan, a group of young, spirited girls seeking to participate in a Sunday cricket match in Swat's Charbagh town were robbed of the opportunity. The hopes of the 12-year-old organiser were dashed when the girls were sent away by angry men, telling them playing in an open ground would be 'immodest'. How can playing a sport, a celebration of one's talents, be seen as a mark against one's modesty? The tehsil chairman cited 'unstable security conditions'. After outrage ensued on the media, the local government promised a match 'in a week or two'.

What a shame that where Malala's fight for the rights of young girls was born, such events continue to transpire. While age-old prejudices might have had a hand in the obstruction of an innocent game, such biases have no place in contemporary Pakistan. Our nation has seen the ascent of women in all spheres, including sports, proving that skill knows no gender. The stifling of these young girls' dreams is another reminder that the fight against extremism goes beyond kinetic action: it requires dealing with a regressive mindset. When the girls were denied permission to play, they were denied the simple joys and life lessons that sports offer, such as teamwork, perseverance and discipline. Addressing the issue requires a multifaceted approach. Community awareness programmes, promotion of female role models, the start of a dialogue with religious leaders, the creation of safe spaces for women, and introduction of sports into school curricula will all go a long way in changing deeply ingrained beliefs. It is also important to engage men and boys to stand up for the rights of their sisters, daughters and friends. Our country's future lies in the empowerment of its youth, regardless of gender. The valleys of Swat should echo with the sound of the bat striking the ball, and with cheers, not with the silence of dreams deferred.

SOURCE: DAWN, OCTOBER 3, 2023

10 terrorists killed in operation in KP's Tank district

Ten terrorists were killed by security forces in an intelligence-based operation (IBO) in Khyber Pakhtunkhwa's Tank district, according to the military's media wing.

According to a statement issued by Inter-Services Public Relations (ISPR), the operation was conducted based on reports of the militants' presence in the district's general area of Pezu.

"During conduct of the operation, intense fire exchange took place between own troops and terrorists. Resultantly, ten terrorists were sent to hell," the ISPR said.

It added that the slain terrorists were actively involved in numerous terrorist activities against security forces as well as extortion and killing of innocent civilians.

A large cache of arms, ammunition and explosives was also recovered during the operation, the ISPR said, adding that the locals appreciated the operation.

"Security forces of Pakistan are determined to eliminate the menace of terrorism from the country," the statement concluded.

On September 21, eight terrorists were killed by security forces during two separate KP IBOs.

Pakistan has witnessed an uptick in terror activities in recent months, especially in KP and Balochistan, after the banned militant Tehreek-i-Taliban Pakistan ended its ceasefire with the government in November last year.

A report released in July by the think tank Pakistan Institute for Conflict and Security Studies said the first half of the current year witnessed a steady and alarming rise in terror and suicide attacks, claiming the lives of 389 people across the country.

SOURCE: DAWN, OCTOBER 3, 2023

A surge in terrorist attacks

ZAHID HUSSAIN

THE bloodbath in Mastung last week was yet another grim reminder of the relentless rise of militant violence that is threatening national security.

The suicide attack on a Rabiul Awwal congregation in the Balochistan town left almost 60 people dead. At least five people were killed in a targeted attack in KP on the same day, swelling the number of fatalities.

It was one of the bloodiest days of the current year that has already recorded the highest number of casualties among security forces in the past eight years. Terrorist attacks have become almost a daily affair. The return of terrorism presents a most serious challenge to a nation mired in multiple crises. The spate of killings across the country demonstrates the expanding capacity of militant groups to carry out increasingly audacious operations.

While the administration silently watches the situation drift toward anarchy, armed marauders carry out their deadly attacks with impunity. The pattern and scale of violence indicate that the militants are better armed than before and well organised.

A report recently released by the Islamabad-based Centre for Research and Security Studies (CRSS) reveals a staggering 57 per cent escalation in militant violence nationwide over the last quarter.

It's an extremely alarming situation, raising questions regarding our counterterrorism strategy that appears to be faltering as militants of all stripes continue to operate. The latest wave of violence highlights the inability of the security agencies to deal with the rising militant threat.

Almost 1,100 people, including 386 security personnel, lost their lives to militant violence in the first nine months of the year, according to the CRSS report. The report notes that the number of fatalities from terrorist attacks this year has increased, with KP and Balochistan having suffered 92pc of all fatalities since the beginning of the year.

While a reinvigorated Tehreek-i-Taliban Pakistan (TTP) has reportedly been involved in most of the terrorist attacks, more worrisome is the growing presence and activities of the Islamic State-Khorasan group. Several recent militant raids have been traced to the group. Although no one has claimed responsibility, the suicide attack in Mastung last Friday bears all the hallmarks of an IS-K attack.

It is not for the first time that Mastung, which houses madressahs known for their association with outlawed extremist sectarian outfits, as well as transnational militant groups, has been

drenched in blood. There has been a marked escalation in sectarian violence, with the town becoming the hub of religious radicalism.

One of the most radical madressahs was established by the family of Khalid Shaikh Mohammed, an Al Qaeda leader and mastermind of the 9/11 terrorist attacks. The connection was revealed after a suicide attack on a Muharram procession in Quetta in 2004 was traced to the facility.

The investigations showed that the mastermind of the attack were Mosaib al Baluchi and Dawood Badani, close relatives of Khalid Shaikh Mohammed, who were later arrested and taken to Guantanamo by American forces. It was the first time that an Ashura procession was attacked by militants here, lending a new and dangerous dimension to sectarian terror in the province.

Over the years, Mastung, located some 50 kilometres from Quetta, has become the main centre of extremist sectarian groups. The latest attack also marked an escalation in attacks on rival Sunni groups. In 2017, a suicide bomber struck the convoy of a JUI-F leader Abdul Ghafoor Haideri, who was then deputy chairman Senate, killing several people.

Many madressahs in the region have become the focus of the outlawed Lashkar-i-Jhangvi which has now reportedly taken up the banner of IS-K. The latest attack on the Rabiul Awwal procession indicates the growing influence of the hard-line Salafi version of Islam, that has its origins in the Middle East.

There has also been a marked rise in IS-K activities in KP. In the past three months, the terror group has claimed several attacks in the province. It had claimed responsibility for a suicide bombing that killed at least 54 people at a political rally held by the JUI-F in July this year in Bajaur district that borders Afghanistan. The former tribal region has long been a sanctuary for Islamist extremists, including TTP and IS-K.

The recent clashes in Bajaur are believed to be a spillover of the conflict between IS-K and the Afghan Taliban in Afghanistan. A large number of local JUI members, who fought alongside the Afghan Taliban, have returned home after the end of the war. The conflict has now spread to other areas in KP and Balochistan, giving a new twist to the ongoing militant violence.

The emerging nexus between some TTP factions and IS-K is most alarming. There have been a few reports of a tactical alliance between some Baloch separatist groups and IS-K, too. If correct, the coalition of various militant groups will render the situation more complex and challenging for the security agencies.

According to one estimate, the number of IS-K fighters in Afghanistan has swelled after the Taliban takeover. Most of the fighters are said to have been drawn from other transnational terrorist organisations. The nexus with other groups poses a threat that goes beyond Afghanistan, with Pakistan potentially turning into the new battleground for global terrorist networks.

As political instability and uncertainty grow in the country, and as the economy declines, the terrorists are poised to benefit from a situation that is on the cusp of anarchy. The most recent wave of terrorism has once again exposed the lack of a cohesive policy as security forces struggle

against the audacious militant attacks that have taken the lives of scores of security personnel and ordinary people in the last few months.

The need of the hour is an effective and sustainable counterterrorism strategy that can eliminate the terrorist elements who are threatening the country's security. Pakistan must immediately review its national security policy to correct the lapses that have led us to this pass.

SOURCE: DAWN, OCTOBER 4, 2023

Deadly trade

PAKISTAN may never have witnessed a character as notorious and slippery in the illegal organ trade as Fawad Mumtaz. A plastic surgeon-turned-alleged criminal mastermind, Mr Mumtaz has repeatedly escaped the clutches of the law, making a mockery of our law-enforcement and justice systems.

His recent escape from FIA's custody and rearrest has once more put the spotlight on the dark web of organ trafficking in Pakistan. Mr Mumtaz's operations have reportedly spanned Punjab, KP and AJK since 2009. He has, allegedly, even preyed on clients from the Gulf countries.

The billionaire surgeon reportedly thrived on exploiting desperate donors and critically ill patients alike, leveraging their despair for financial gain. The insidious episode involving the unfortunate demise of comedian Umer Sharif's daughter, following an illegal transplant by Mr Mumtaz, underscores the dire stakes involved and the sheer impunity with which these criminal networks operate.

Not only is the physical well-being of individuals at risk, the ethical fibre of our medical community is also threatened.

It is imperative we dissect the depth and reach of Mr Mumtaz's network, bringing every enabler, accomplice and beneficiary of this malicious trade to justice. The onus falls on our lawmakers, law enforcers, and the medical community, to irrevocably dismantle the dangerous empire he is associated with.

The state must also strengthen the implementation of the Transplantation of Human Organs and Tissues Act, 2010, that criminalises illegal transplantation so the organ trafficking trade finds little room to operate and no other Fawad Mumtaz emerges from the shadows.

Furthermore, we must spread awareness about organ donation. More than 150,000 people die of organ failure in Pakistan each year, according to SIUT, and the primary reason behind these deaths is the non-availability of organs.

In addition, it must be recognised that the issue goes beyond tackling a legal challenge. The sordid reality is that this illicit trade capitalises on the socioeconomic disparities that persist in Pakistan, forcing the impoverished into a situation that compromises on their health and dignity.

It is due to this that it is paramount we not only address poverty, but also provide support and rehabilitation to victims. The case of Fawad Mumtaz is not merely a test for our criminal justice system; it is a wake-up call, urging introspection, reform, and a united stand against the exploitative trade of organ trafficking.

SOURCE: DAWN, OCTOBER 4, 2023

National shame

THE blight of enforced disappearances has become almost normalised in our society, with hardly any voice being raised against the unlawful detention of citizens.

It seems that people have come to terms with the fact that individuals go ‘missing’ in Pakistan and if they’re lucky, will miraculously turn up one day. However, if the victims are not so lucky, families will be called to collect a body bag.

One faint ray of hope has been the judiciary’s perusal of this troubling phenomenon. In a recent hearing of the Islamabad High Court, where nearly a dozen petitions related to missing persons were being heard, the IHC chief justice said that the court felt “embarrassed” that the issue was still lingering.

The bench observed that enforced disappearances stigmatised the image of Pakistan, and brought the country into disrepute. It is hard to disagree.

At one time, the issue of enforced disappearances was primarily a problem in Pakistan’s peripheries. Mostly, it was Baloch separatists or their sympathisers, Sindhi nationalists, suspected religious militants or MQM cadres who went ‘missing’. Rights activists and journalists were also whisked away if their work rubbed the powers that be the wrong way.

But in the aftermath of the May 9 events, the scope, and brazenness, of this deplorable practice has expanded greatly, with even members of well-connected families not spared.

We have witnessed the bizarre spectacle of people being freed by courts hauled away again by ‘unidentified’ elements numerous times.

The fact is that in the current scenario, unabashed disrespect for the law and due process has gone beyond just disappearing people; powerful, unaccountable actors have become so emboldened that they now feel confident enough to ‘punish’ citizens despite what the courts and the Constitution say about honouring fundamental rights. No civilised society can allow such a mockery of the law to take place.

During the aforesaid IHC hearing, the bench asked the attorney general to bring up the issue of missing persons with the caretaker prime minister.

With due respect to their lordships, this issue requires all power wielders in Pakistan to take a strong stand against enforced disappearances, and indeed all violations of the constitutional order.

Where the missing persons’ question is specifically concerned, the chief justice of Pakistan, who has been a high-profile advocate of this issue, can ask unelected forces where they stand on this and the steady erosion of fundamental rights.

Moreover, little can be expected from the caretakers; only an elected government can forcefully raise these issues, and bring these deplorable practices to an end.

But perhaps most importantly, it is the power elite that can initiate change. Is the state comfortable with the fact that Pakistan is seen as a lawless land, where people disappear and are arbitrarily punished?

SOURCE: DAWN, OCTOBER 7, 2023

Terrorist killed in gun battle with security forces in North Waziristan

A terrorist was killed in an exchange of fire with security forces in the Ramzak area of North Waziristan, state broadcaster Radio Pakistan quoted the military's media affairs wing.

According to the Inter-Services Public Relations (ISPR), weapons and ammunition were also recovered from the slain terrorist.

"Known as Azeem Ullah alias 'Ghazi', the terrorist remained actively involved in various terror activities against security forces and killing of innocent civilians," it said.

The ISPR added that sanitisation had been carried out to eliminate any other terrorist in the area. Locals of the area have appreciated the operation, it concluded.

Pakistan has witnessed an uptick in terror activities in recent months, especially in KP, after the Tehreek-i-Taliban Pakistan (TTP) ended its ceasefire with the government in November last year.

Earlier this month, data compiled by the Pakistan Institute for Conflict and Security Studies (PICSS) said the number of militant attacks in August was the highest tally for monthly strikes in almost nine years.

There were 99 attacks across the country, the highest number in a single month since November 2014, the report had said.

SOURCE: DAWN, OCTOBER 9, 2023

Pulpit concerns

THE pulpit should echo the message of unity. But these megaphones have delivered some triumphalist views of religion, triggering social rejection and persecution of minorities. On Friday, HRCP released a fact-finding report on blasphemy incidents in Sargodha, which gives prominence to the “misuse of mosque loudspeakers and pulpits to press for FIRs against Christians and instigate violence against them”. The report, *Mob Violence and the Social Ostracisation of the Christian Community in Sargodha*, stresses that culprits of mob carnage and those who bypass due process be held to account. In Pakistan, evidence is not central to a blasphemy charge. Therefore, it must be pointed out, pulpits, especially in Punjab, have been weaponised over time to serve a lethal mix of bias and misinterpreted religious opinion, resulting in gory ‘justice’. Unsurprisingly, the reasons are often worldly: property, revenge and control. This culture of impunity also seems to suit a shameless power elite that confines itself to customary condemnations. We have long maintained that hate speeches from microphones aimed at stirring up perverse zeal towards weaker sections, cannot be condoned. In the age of social media, it takes minutes for news and accusations to spread, making a disturbed situation more tenuous. Hence, the state and clerics have little choice but to uphold their responsibility to counter social apartheid by ensuring that a community is not demonised from the pulpit.

The power of spiritual podiums should not be taken lightly; with the right ulema in place, these can be vital voices of harmony and acceptance. That said, separating ideas on faith from political rhetoric is the path to reversing the tide of prejudice. Unfortunately, the last two decades have been far from promising, so such a shift is a pipe dream. Meanwhile, authorities can use the power of Friday sermons to erase majoritarian canard and oppressive traditions, or else the plague of militancy and bigotry will annihilate our own.

SOURCE: DAWN, OCTOBER 9, 2023

2 soldiers martyred, 5 terrorists killed in operation in Balochistan's Zhob district



Major Syed Ali Raza Shah and Havaldar Nisar Ahmed embraced martyrdom during an operation against terrorists in Balochistan's Zhob district.

Two soldiers embraced martyrdom while five terrorists were killed during an intelligence-based operation in the general Sambaza area of Balochistan's Zhob district, the army's media wing said.

According to a statement released by Inter Services Public Relations (ISPR), security forces conducted the operation on the night of October 8 and 9.

"During the conduct of the operation, terrorists were surrounded and after an intense exchange of fire, five terrorists were sent to hell," it said.

"However, in the ensuing exchange of fire, Major Syed Ali Raza Shah (Age 31 years, resident of Sargodha District), who was leading the operation from the front, and Havaldar Nisar Ahmed (Age 38 years, resident of Vehari District), having fought gallantly, paid the ultimate sacrifice and embraced Shahadat," the ISPR said.

The military's media affairs wing said the security forces of Pakistan were indebted and proud of the brave men and paid homage to their chivalry and sacrifices for the motherland.

“It further strengthens our resolve to uproot the menace of terrorism from the country,” it said, adding that sanitisation of surrounding areas was underway to eliminate other terrorists in the area.

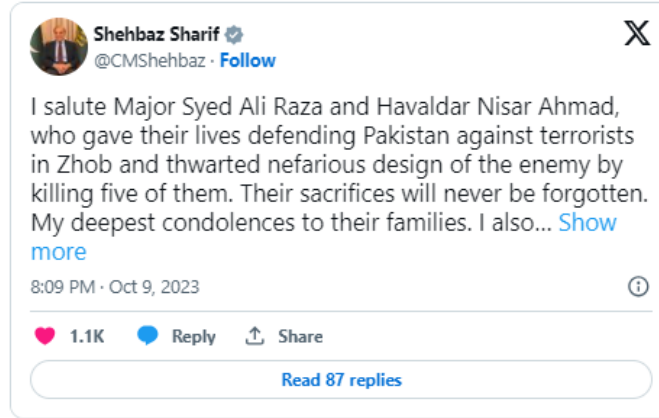
In a post on social media platform X, Prime Minister Anwaarul Haq Kakar honoured the martyred soldiers. “Their dedication reinforces our resolve to eliminate terrorism from Pakistan,” he said.



Interim Interior Minister Sarfaraz Bugti expressed his grief over the death of the soldiers, saying the nation was standing with the Pakistan Army in the fight against terrorism.



PML-N President Shehbaz Sharif saluted the martyred men and said their sacrifices would never be forgotten.



Pakistan has witnessed an uptick in terror activities in recent months, especially in KP and Balochistan, after the TTP ended its ceasefire with the government in November last year.

In July, as many as 12 soldiers of the Pakistan Army embraced martyrdom in separate military operations in the Zhob and Sui areas of Balochistan.

That was the military's highest single-day death toll from terrorist attacks reported this year. Before this, 10 personnel were martyred in a 'fire raid' in Balochistan's Kech district in February 2022.

Earlier this month, data compiled by the Pakistan Institute for Conflict and Security Studies (PICSS) said the number of militant attacks in August was the highest tally for monthly strikes in almost nine years.

There were 99 attacks across the country, the highest number in a single month since November 2014, the report had said.

SOURCE: DAWN, OCTOBER 9, 2023

Grave violation

SANA FARRUKH

OCT 10 marks the World Day Against the Death Penalty. This year, activists will reflect on the relationship between the use of torture and capital punishment. There are over 3,800 people languishing in death-row cells across Pakistan, many of them victims of torture. Outside the prison walls, the average Pakistani hopes never to cross paths with law enforcement. In this country, even ostensibly well-meaning police officers use torture, cruel and inhuman or degrading treatment to track down perpetrators.

While the death penalty landscape is diverse and touches many criminal justice issues, torture remains at the heart of it. By curbing this endemic practice, we can protect both the rights of the accused, who may be an innocent bystander confessing under duress, and the rights of victims and their families to seek accountability, who may lose the opportunity to hold the right person to task for their losses.

The research on torture and interrogations dates back at the very least to the 1600s, with repeated findings pointing out its inefficacy. Information received through torture is often incorrect. The subject is more likely to assist in an investigation if the interrogation is rapport-based. In a high-pressure, high-stakes situation, torturing a detainee is the poor choice — an abject failure to understand neuroscience, human psychology, and criminal justice. If by a mere coincidence, a confession based on torture happened to be true, it would be inadmissible in court, leading to prosecutorial failure.

The fact that torture does not work, while essential to note, should be our secondary concern. First and foremost, torture is a serious human rights violation — the Constitution of Pakistan, Islamic principles, and international law all declare an absolute prohibition on the practice.

In November 2022, after years of discourse, the tabling and lapsing of numerous bills on the issue, and the torture and custodial deaths of countless Pakistanis, the Torture and Custodial Death (Prevention and Punishment) Act was passed. Although Pakistan previously had several safeguards against torture scattered across our laws, the act is the first comprehensive enactment on the subject and brings the country more in line with its obligations under international law. This move demonstrates Pakistan's appreciation of the Concluding Observations of the UN Committee Against Torture and the UN Human Rights Committee, which in 2017 had urged Pakistan to improve its compliance with the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT).

The act gives the National Commission for Human Rights a supervisory mandate over investigations into torture. The NCHR has been instrumental in documenting the practice, most

recently in its assistance to the Islamabad High Court in the case of Imtiaz Bibi. Of the prisoners interviewed in Rawalpindi jail, 74 per cent reported torture ranging from beatings with a rubber tyre to solitary confinement. While the presence of more data on torture is essential to curb this practice, to perform its mandate under the act, the NCHR's role must be clearly delineated, along with that of the Federal Investigation Agency.

Although the passage of the act is a historic occasion for Pakistanis, it is the subordinate legislation, that is, the rules and regulations passed under an act, which enable its implementation. Now that the debate and scrutiny over various points of law are behind us, and consensus on the necessity of this law is present and palpable, what remains is for the relevant ministries to sit together and come up with a roadmap for its enforcement.

Section 20 of the act empowers the division concerned to make rules for the purpose of carrying out the objects and purposes of the act. For this act, the division concerned is the Interior Division under the Ministry of Interior which presented the bill in the Lower House. When subordinate legislation is framed by the relevant division, it is drafted and vetted by the Law Division under the Rules of Business, 1973. The Interior Division, the Human Rights Division and the Law and Justice Division must work together on the draft rules and regulations.

While there are no perfect laws or tidy solutions for issues surrounding torture and the death penalty, despite all its obstacles, this country has taken steps in the right direction. With continued momentum to push the rules and regulations through, we can start to reap the benefits of the tremendous work that has already been done. With Pakistan's upcoming reviews under the ICCPR in 2024 and CAT in 2025, it is the implementation of the Torture and Custodial Death (Prevention and Punishment) Act that will be centre stage.

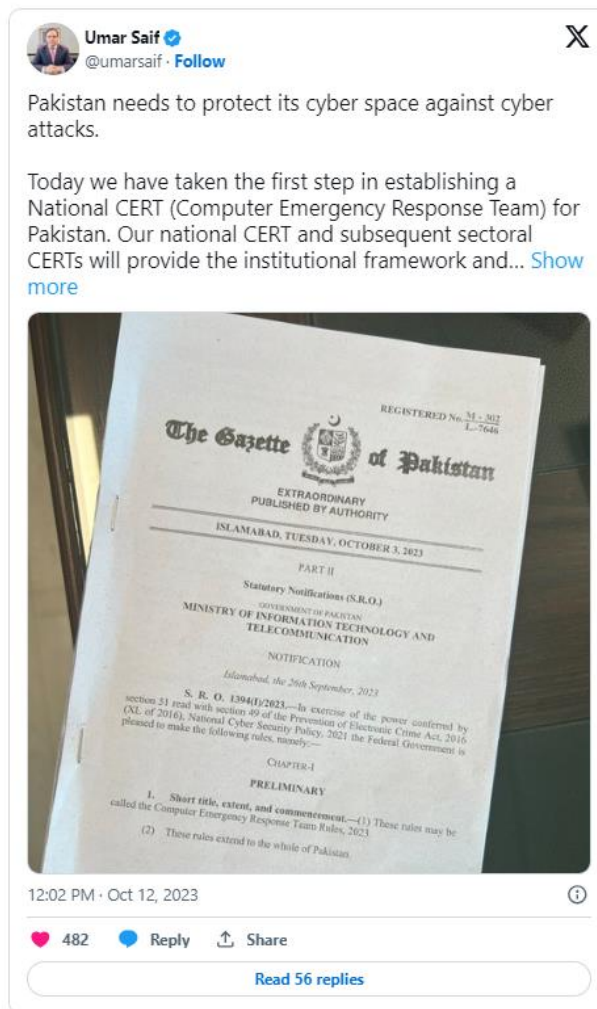
SOURCE: DAWN, OCTOBER 10, 2023

IT ministry notifies emergency rules to bolster cybersecurity

The Ministry of IT and Telecommunication (MoITT) notified the Computer Emergency Response Team (CERT) Rules 2023 to counter cyber threats against government data.

In a message on X (formerly Twitter), IT Minister Dr Umar Saif emphasised the need to protect Pakistan’s cyberspace against cyberattacks.

“Today we have taken the first step in establishing a National CERT for Pakistan, our national CERT and subsequent sectoral CERTs will provide the institutional framework and capability to protect Pakistan’s cyber space, and ensure swift responses in case of cyberattacks.”



Later in a statement, Dr Umar Saif said that this coordinated approach will ensure a robust defence against cyber threats. He said that as part of these new rules, the national security operations centre will also be established to facilitate the practical implementation of these regulations.

Under the CERT Rules, both National and Sectoral-level CERTs will be established and the teams will be responsible to monitor and safeguard Pakistan's cyberspace round the clock, including holidays.

One National CERT, funded by the Ministry of IT, will maintain close coordination with various Sectoral CERT teams, providing timely assistance when needed.

Its primary responsibility will be to coordinate between different CERTs in response to threats or attacks on systems, critical infrastructure data, or widespread information system attacks in Pakistan.

The Government CERT, responsible for cybersecurity in the public sector at federal and provincial levels, includes federal and provincial government CERTs. It serves as a coordinator between the national and sectoral CERTs, regularly reporting information and feedback to the National CERT.

Additionally, there will be a Critical Information Infrastructure (CII) CERT to oversee and coordinate between the National CERT and Sectoral CERTs. Sectoral CERTs encompass government and regulatory authorities, with local government CERTs falling under the respective provincial CERTs.

The CERTs will be established according to the composition outlined in the rules.

SOURCE: DAWN, OCTOBER 13, 2023

179 people behind bars across Pakistan on blasphemy charges

The Senate Standing Committee on Human Rights was informed that 179 people were under detention and facing trials across the country on charges of blasphemy, while 17 had been sentenced. The findings were submitted to the Senate panel by the National Human Rights Commission of Pakistan (NHRC).

Last month, Senator Walid Iqbal, chairman of the Senate Standing Committee on Human Rights, had sought details of blasphemy cases from the NCHR during a meeting that was called days after the Jaranwala incident, when a violent mob destroyed dozens of houses and churches over allegations of blasphemy.

“If the law was used against Muslims, then details on this should also be provided,” he had told Dawn.

The committee had also adopted a recommendation to constitute a national coordination committee within the Ministry of Human Rights to draft standard operating procedures for “effective control on issues that cause suffering to minorities”.

In a report submitted to the committee today, a copy of which has been seen by Dawn.com, the NHRC said a total of 179 people in the country were under arrest on blasphemy charges.

Breaking down the figures by provinces, the report indicated that 17 people were detained in Islamabad, 18 in Punjab, 78 in Sindh, 55 in Khyber Pakhtunkhwa, and one in Balochistan.

The report also mentioned that 17 persons had been convicted so far of which 11 were from Islamabad, four from Sindh and 2 from Balochistan. No conviction was made from Punjab and KP, according to the report. Speaking to Dawn.com, Senator Iqbal said the committee had initially sought comprehensive information from the NCHR, but the commission only managed to provide a one-page report.

“In our next meeting, we will seek more extensive details from the commission, including a more thorough overview of the total number of cases mentioned,” he said. Senator Iqbal voiced concerns about the exploitation of blasphemy laws for “settling personal scores”.

He stated that the committee would also investigate ways to prevent the misuse of laws, adding that Senator Sherry Rehman would be invited to discuss ways to prevent the misuse of laws. He noted that a bill previously introduced by the PPP senator on blasphemy laws would also be examined.

SOURCE: DAWN, OCTOBER 13, 2023

Six labourers gunned down during sleep in Balochistan's Turbat



People gather at a local hospital in Turbat where the injured and the bodies were brought.

Unidentified gunmen fatally shot six labourers in Turbat in Balochistan's Kech district, police said.

District Police Officer (DPO) Imam Bux told Dawn.com that the incident occurred in the early hours of the day when a group of armed men barged into a residence in Turbat's Satellite Town area and indiscriminately shot the labourers. Several people were injured.

The victims had been based in the house of a local contractor and were there for construction work when they became the target of the attack, the officer added.

"Upon being alerted, the police arrived at the scene promptly."

DPO Bux said that a case would be registered at a CTD police station and an investigation was under way to establish the motive behind the incident.

The injured were identified as Rizwan, Shehbaz, Wasim, Shafiq Ahmed, Muhammad Naeem, Ghulam Mustafa and Touheed.

Interim Balochistan Chief Minister Ali Mardan Khan Domki expressed his deep sorrow over the loss of lives and called for an official report from the relevant authorities.

He strongly condemned the incident, emphasising that the targeting of innocent labourers was reprehensible.

He asked the investigators to thoroughly examine the incident from all perspectives and provide a comprehensive report, underscoring the need to utilise all available resources to apprehend those responsible.

Separately, Balochistan Governor Malik Abdul Wali Khan Kakar mourned the lives lost in the attack and called upon law enforcement agencies to be swift in apprehending the individuals responsible for the incident.

The incident serves as a grim reminder of a 2015 tragedy in Turbat when gunmen killed 20 construction workers and injured three others in a pre-dawn attack on a labourers' camp near Turbat. In a similar manner, the Kuch victims were targeted while they were asleep at their camp.

SOURCE: DAWN, OCTOBER 14, 2023

ILLEGAL MIGRANTS OR REFUGEES?



“The law is not meant to act a trap,” was a crucial statement, and a long-awaited reprieve, recently given by the Islamabad High Court (IHC) not only to Rahil Azizi – an Afghan refugee woman living in Pakistan – but also to the thousands of Afghan refugees living precarious lives in the country.

Rahil Azizi vs. The State & others. can be considered a milestone in Pakistan’s judicial engagement with the 1951 Refugee Convention, despite the fact that Pakistan has not ratified the Convention or its 1967 Protocol.

For the first time in Pakistan’s judicial history, Article 31 of the 1951 Refugee Convention, which deals with the situation of refugees unlawfully in the country of refuge, is referenced in full and the provision’s application is linked with the domestic law, The Foreigners Act 1946, which hitherto governed the cases related to Afghan refugees and asylum seekers.

Given the caretaker government’s recent decision to deport Afghans by November 1, 2023, this judgment must be viewed as a promising development of law and therefore needs careful attention. It can work as a timely aid to hundreds of Afghan refugees who are being subjected to arbitrary arrests, detentions, trials and deportation to Afghanistan in large numbers since November 2022 across Pakistan, after being charged with illegal entry and stay.

The precarity experienced by Afghans seeking refuge in Pakistan has risen alarmingly in the last year, with many of them having to hide for fear of arrest by the police and, consequently, many are battling poverty since they have lost their daily wage jobs.

THE CASE OF RAHIL AZIZI

The legal challenges Afghans have to face after entering Pakistan are illustrated by the hurdles Azizi has had to navigate. Like many other Afghans, Azizi left Afghanistan after the withdrawal of the US and its allied forces from Kabul in August 2021. Fearing for her life, she crossed the border to Pakistan without a visa. In Afghanistan, Azizi worked for the Afghan Police for five years. When the Taliban assumed control, an exodus of Afghan refugees began and thousands entered Pakistan – some with visas, others without.

Azizi had neither the hope nor the time to obtain a visa from the Taliban authorities. Once in Pakistan, Azizi approached the police station in Islamabad and voluntarily disclosed that she was a refugee without a visa. Azizi was initially sent to a government-administered shelter for women, but was subsequently arrested for an offence under Section 14(2) of the Foreigners Act 1946.

Section 14(2) of the Foreigners Act 1946 states: “Where any person knowingly enters into Pakistan illegally, he shall be guilty of an offence under this Act and shall be punished with imprisonment for a term which may extend to ten years and fine which may extend to ten thousand rupees.”

The charge clearly deemed Azizi a criminal to be punished as per the domestic law. She was sent to Adiala Jail as an under-trial prisoner. Her bail applications were rejected on two occasions by the lower courts. However, upon appeal, she was granted bail by the Islamabad High Court (IHC).

Whilst in custody, Azizi was assisted by the United Nations High Commissioner for Refugees (UNHCR) Pakistan office and was given an Asylum Seeker Certificate to confirm that she was a legitimate applicant for asylum status and her case was under consideration for refugee status. With UNHCR’s assistance, Azizi was also granted a Humanitarian Woman at Risk visa by Australia. All she needed now was an exit permit to leave Pakistan.

But her request was denied by the Ministry of Interior, which took the position that the exit permit could not be issued to a person under trial.

The fact that Azizi was granted an Asylum Seeker Certificate two months after her arrest and registration of the first information report (FIR), was used by the Ministry of Interior to argue that such a certificate of asylum status could not be applied retrospectively to legalise Azizi’s entry into Pakistan without a visa. As an accused person under trial, Azizi could not be allowed by the federation to leave Pakistan. Azizi spent nine months in Adiala Jail. Left with no other option, Azizi approached the IHC.

That the IHC ruled in favour of Azizi may, on the surface, appear a common sense decision. After all, much is known about the Taliban and why so many desperate Afghans escaped the country after August 2021, fearing persecution. Moreover, it was abundantly clear from the case facts – which were not disputed at any point by the Ministry of Interior during the case hearing – that Azizi did not enter Pakistan as an ‘enemy alien’. However, to arrive at such a judgment in Azizi’s favour was not so simple.

In the absence of any international or domestic legislation which deals with the governance of refugees and asylum seekers in Pakistan, the judgment marshals a number of arguments to substantiate the decision.

In seeking to understand the legal framework of granting asylum status to refugees in Pakistan, the IHC took into consideration various sources. These included the agreements between the Government of Pakistan, the Government of Afghanistan and the UNHCR, signed in the 1990s and extended post-2010, including the Tripartite Agreement – which acknowledges the UNHCR’s mandate for international protection – and the Cooperation Agreement, by which Pakistan accedes to the UNHCR granting of refugee status.

The other sources the IHC referred to were Article 4, 9 and 14 of the Constitution of Pakistan, which guarantee the right to liberty, as well as the right to dignity, of every person who, for the time being, is in Pakistan.

Also important were the obligations under international laws that Pakistan is a signatory to, including the International Convention on Civil and Political Rights 1966 (ICCPR) and Convention Against Torture 1984 (CAT), requiring Pakistan to observe the principle of non-refoulement (refoulement is the forcible return of refugees or asylum seekers to a country where they are liable to be subjected to persecution). This is also enshrined in Article 33 of the Refugee Convention 1951, and generally considered as part of customary international law, which is universally applicable in all civilised states.



Often, even those Afghan refugees that possess Proof of Registration (POR) cards issued by the UNHCR, or the Afghan Citizens Card (ACC) issued by the Government of Pakistan, are arrested and detained

A LANDMARK JUDGMENT?

However, the argument which shifted the decision in Azizi's favour was based on a critical engagement with the Section 14(2) of the Foreigners Act, which constitutes an act of entry as a criminal offence "if there's a 'guilty intent' or mens rea on part of an accused."

Azizi successfully pleaded that she was seeking refuge to protect her life and did not have any criminal intent with which she entered Pakistan. Her disclosure to the police upon arrival in Pakistan was proof of that.

The IHC stated: "Just because there is no statutory or policy mechanism available to a foreigner to disclose to the State of Pakistan at the time of entry that he/she has entered to seek refuge and save their lives and to apply for asylum in accordance with principles of international law, does not mean that Section 14-B will come into place automatically to penalise such a foreigner."

The IHC further added: "The law is not meant to act a trap.... That Pakistan does not have its own legal framework for refugees does not mean that anyone seeking refuge out of fear for his/her life or liberty must do so at the cost of being imprisoned...."

This judgment charts a pathway for the state on how to deal with refugees upon entering Pakistan unlawfully. Article 31 of the 1951 Refugee Convention also makes a key reference here. The IHC advised the following:

"Upon verification of the refugee status of a foreigner by UNHCR, the refugee must not be kept incarcerated like an under-trial prisoner. The Federal Government must prescribe a mechanism in consonance with Article 31 of the 1951 Refugee Convention to enable refugees to voluntarily report upon arrival in Pakistan that they seek refuge, and wish to register with UNHCR to seek asylum in a third country. It must also make arrangements to lodge refugees independently or in association with UNHCR, so that pending recognition of refugee status and decision on asylum applications, such refugees are not locked-up in prisons...."

The IHC ruled that the impugned FIR against Rahil Azizi be quashed and that the Ministry of Interior shall issue an exit permit to her to travel to Australia.

The above reading of the IHC ruling is crucial to narrate for underpinning the significance of the 1951 Refugee Convention for the domestic courts, especially in non-signatory states such as Pakistan. The Doctrine of Incorporation, endorsed by the Supreme Court of Pakistan in PLD 1999 SC 1026 was employed by the IHC, among other similar court rulings, to support the judgment. This doctrine requires that in cases where:

"a municipal law and an international law are consistent with each other and there is no conflict or inconsistency, the Court, to reinforce its view as to the interpretation of a constitutional provision or of a provision of statute, may press into service international law and/or conventions."

And therefore, since Pakistan has treaty obligations under ICCPR and CAT which are in consonance with the guarantees under the Constitution of Pakistan "afforded to all persons for

the time being in Pakistan”, “the 1951 Refugee Convention is relevant in view of the doctrine of incorporation.... Article 31 of the Refugee Convention thus becomes a useful aid to interpret section 14 of the Foreigners Act, read with provisions of ICCPR, CAT, the agreement entered into by and between the State of Pakistan and UNHCR, and Articles 4, 9, and 14 of the Constitution.”

MANAGEMENT OF AFGHAN REFUGEES: A POLITICAL OR ADMINISTRATIVE EXIGENCY?

The IHC judgment also brings to the fore a dilemma of determining someone’s status either as a refugee or an illegal foreigner, and reveals the restrictive and rather regressive reading of the Foreigners Act 1946, which is usually applied to Afghan migrants and refugees entering into and/or staying in Pakistan.

Since November 2022, a score of Afghan migrants, in similar conditions to Azizi, have been subjected to arbitrary arrests, detentions, trials and deportation to Afghanistan. Those arrested include Afghans who have been sheltering in Pakistan for years and others who have recently sought refuge post 2021. Many were charged with illegal entry or stay under the Foreigners Act 1946. Recent arrests have taken place in Karachi, the Sindh province. In less than a week since September 9, 2023, 540 refugees living in Karachi were reported to have been arrested. The Governor of Sindh Kamran Tessori approved of these arrests with the following statement, “The government has directed law enforcement agencies to arrest Afghans living illegally in Sindh and elsewhere in the country.”

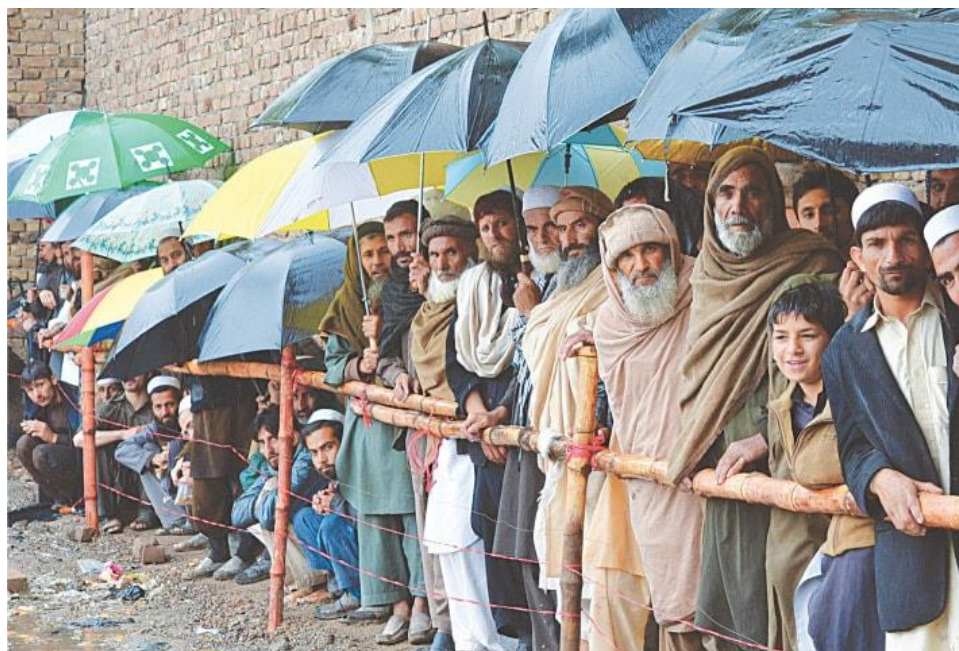
Reports of arrests from other parts of Pakistan have also emerged, with approximately 600 Afghan refugees arrested in Islamabad and hundreds more in Balochistan. The arrests were defended by the caretaker Prime Minister of Pakistan, Anwaarul Haq Kakar, who asserted, “We will push the [Afghan] aliens back to their country, and no one without the visa regime will be allowed to live here.”

Following this, caretaker interior minister Sarfraz Bugti announced the crackdown order on “illegal” Afghans stating, “If they do not go... then all the law enforcement agencies in the provinces or federal government will be utilised to deport them.” He also announced a task force aimed at identifying and confiscating private businesses and assets of ‘illegal’ Afghans in the country.

The sad reality is that such a crackdown on Afghan refugees is not new. From time to time, there have been waves of arrests and detentions, which have made the lives of Afghan refugees in Pakistan insecure and destitute. Recently, this is not only being done to Afghans with no proof of entry or stay in Pakistan, but also to hundreds of Afghan refugees who hold one or another form of verified identity i.e. the Proof of Registration (POR) cards issued by the UNHCR, or the Afghan Citizens Card (ACC) issued by the Government of Pakistan, or the holding certificates of asylum provided by the UNHCR.

It is true that these identity cards or certificates issued to Afghan refugees, in some cases, may have expired, but this is not out of their own fault. It has now been an established practice that the government extends these cards near or after the expiry dates.

Since getting thousands of cards extended is a huge administrative challenge, for the last several years, the Ministry of States and Frontier Regions (SAFRON) would issue a public order demanding the police not to harass or arrest Afghans until a decision is reached by the federal government to allow or disallow further extensions to their identity cards. Such an order was recently issued on June 20, 2023.



Obtaining the proper documentation can be a lengthy and arduous process, as demonstrated in this image by the long queue of Afghan refugees waiting outside the Nadra office in Peshawar

SPIRIT OF THE LAW

However, despite this, the arrests, detentions and deportations have continued. The Human Rights Commission of Pakistan (HRCPP) and Amnesty International, among several other human rights groups, have issued statements in support of the vulnerable Afghans and have urged the government to consider signing the 1951 Refugee Convention and its 1967 Protocol.

HRCPP has also called on the government to reverse its recent decision to deport 'illegal' Afghans and to respect its obligations under international human rights law.

It appears from the foregoing that there is an ever-widening gap between the letter and spirit of the law, as limited as it is, in the absence of a national or international legal framework. Even the simple directive issued from the Ministry of SAFRON is not being adhered with.

What resides in this gap is political exigency.

Afghan refugees and migrants have forever been treated as political pawns in the hands of the sitting governments and the army establishment in Pakistan. In the last 43 years, Afghan refugees have been welcomed as muhajirs and mujahids against the Soviets during the 1980s, and they have been deported and/or repatriated to Afghanistan (voluntarily) in various phases, depending on how amiable or not Pakistan-Afghanistan bilateral relations were, and how much support Pakistan was able to negotiate from international donors to host and manage Afghan refugees inside its territory.

It has also been observed by human rights groups that the various phases of voluntary repatriation of Afghans from Pakistan have not actually been voluntary. Many were pressured to leave Pakistan by making their living conditions untenable and insecure. An environment of fear and hostility is often created to force many Afghan refugees out.

According to Human Rights Watch (HRW), many Afghan refugees signed up for repatriation not because they thought it was safe to return, but because they believed they had no choice in the matter. And since repatriation must be a voluntary choice, many who choose not to return to Afghanistan, have an ambiguous legal status and therefore are at a greater risk of harassment and arrest. Moreover, there has been a historical narrative of anti-Afghan hostility amongst the 'settled' Pakistani communities. On various occasions, Afghan refugees have been labelled as 'dangerous foreigners' who bring risk and insecurity to Pakistan. This narrative is periodically repeated as and when politics necessitates. There's sufficient evidence to suggest, however, that most of the Afghan migrants are vulnerable refugees looking for safety from persecution and protection from the harsh living conditions in perpetually war-affected Afghanistan.

Politics aside, the management of refugees is also an administrative challenge for Pakistan, a country struggling to balance its economic priorities, threats to internal security, and international humanitarian obligations.

According to the UNHCR figures, Pakistan is currently hosting 3.7 million Afghan refugees, out of whom 1.33 million are registered with the UNHCR and possess POR cards as their refugee identity, 840,000 hold ACCs issued by the Government of Pakistan, 775,000 are undocumented, and 600,000 are new arrivals since the withdrawal of the US and its allied forces from Afghanistan in August 2021. Unofficial figures suggest an even greater number of Afghans living in Pakistan in all these categories.

WHERE THERE'S A WILL...

The scope of the challenge at hand is enormous and multilayered. It most certainly requires a solution that is political, administrative and legal. But perhaps a 'not all at once' approach should be desired for the simple reason that this may never happen.

What is plausible is for the law to chart a process-oriented pathway to help lift the sufferings of thousands of Afghan refugees currently sheltering in Pakistan. The IHC judgement is a step in this direction. Another legal discussion that ought to happen is on the Citizenship Act of Pakistan 1951, where there's a possibility to consider citizenship for Afghans born in Pakistan in the last

four decades. Last, but by no means least, a national legal framework on governing refugees and asylum seekers is a much-awaited development for which there's a National Refugee Bill pending discussion in the National Assembly of Pakistan.

The National Refugee Bill 2023 was introduced in the parliament in March 2023 as a Private Members Bill by Mohsin Dawar, member of the National Assembly and the chairman of the Standing Committee on Foreign Affairs. The bill calls for recognising the right to seek and enjoy refugee status in Pakistan and to regulate the legal status of refugees. The bill also proposes to establish a Refugee Commission under the Ministry of SAFRON and to appoint a refugee commissioner.

The politics of refugee governance is likely to take time. But judgments, such as the one discussed here, make the courts a significant site where the refugee law could be developed domestically yet informed by the international norms of refugee protection.

Until now, the principle of non-refoulement as the principle of customary international law and as enshrined in ICCPR and CAT, has been the key source for case law on refugees. With the IHC judgment, Pakistan has engaged with Article 31 of the 1951 Refugee Convention for the first time. In doing so, it has shown how, by incorporating the principles of the Refugee Convention, a generous and considerate reading of the Foreigners Act of 1946 is possible.

Published in Dawn, EOS, October 15, 2023

4 terrorists killed in intelligence-based operation in KP's Lakki Marwat

Four terrorists were killed, while one was apprehended during an intelligence-based operation (IBO) conducted by the Pakistan Army in the Semu Wanda area of Khyber Pakhtunkhwa's Lakki Marwat district, the military's media wing said in a statement.

According to the Inter-Services Public Relations (ISPR), a fierce exchange of fire between the troops and terrorists took place, and as a result, "four terrorists were sent to hell," while one who was injured, was apprehended by the security forces.

The operation was conducted on the reported presence of terrorists in the area, it added.

"These terrorists remained actively involved in numerous terrorist activities against security forces as well as target killing of innocent civilians," the statement added.

The military reported the recovery of a cache of arms, equipment, and explosives during the operation. "Locals of the area appreciated the operation and expressed their full support to eliminate the menace of terrorism," the statement added.

Since the talks with the banned militant group Tehreek-i-Taliban Pakistan (TTP) broke down in November last year, the group intensified its attacks, particularly targeting the KP police and areas bordering Afghanistan. Insurgents in Balochistan have also stepped up their violent activities and formalised a nexus with the TTP.

SOURCE: DAWN, OCTOBER 20, 2023

Karachi CTD arrests 'Lashkar-i-Jhangvi militant behind high-profile killings'



This photo combo shows renowned Qawwal Amjad Sabri (L) and former Mutahhida Qaumi Movement (MQM) MPA Raza Haider.

The Karachi Counter Terrorism Department (CTD) claimed to have arrested a banned outfit militant, who was allegedly involved in several high-profile killings after he was recently released from jail.

In a statement, the CTD said in a statement: "The CTD's LJ (Lashkar-i-Jhangvi) cell in-charge carried out an action in Patel Para and arrested Hafiz Qasim Rasheed alias Bilal and recovered [a] hand grenade and unlicensed 30-bore pistol along with six bullets from his custody."

It added that the suspect had allegedly orchestrated the killings of renowned Qawwal Amjad Sabri, who was gunned down in 2016 in Karachi, as well as the 2010 killing of Mutahhida Qaumi Movement (MQM) MPA Raza Haider.

Describing Rasheed as a "dangerous terrorist affiliated with banned LJ", the official said, "The suspect had run a network inside a jail when he was detained there."

The CTD alleged that he had also been involved in the killing of four Rangers personnel, two Army soldiers and four members of the Shia community from the jail with the help of his accomplices, namely Asim alias Capri and Ishaq alias Bobby.

Rasheed had been arrested over charges of killing the MQM leader and other heinous crimes and was sent to prison, but was released recently.

“He (suspect) – along with his accomplices namely Waseem alias Baroodi, Abdullah, Danish, Hafiz Khalaq, Pervez, Qari Inayat and Abdullah Ilyas Taimuri – was planning more terror incidents,” the CTD said.

The department had registered a case against him and started an investigation.

According to the CTD press release, during the preliminary investigation, the suspect had “confessed” to killing jail assistant superintendent Pir Masood Ahmed and jail deputy superintendent Abdul Razzaq Abbasi, among others.

In 2020, detained militants belonging to the LJ had revealed they got directives to carry out targeted killings from their incarcerated leaders Rasheed and Waseem. Rasheed was previously arrested in October 2012.

SOURCE: DAWN, OCTOBER 24, 2023