

COUNTER-TERRORISM AND PAKISTAN POLICE CAPACITY AND CHALLENGES



Center for
Research &
Security
Studies

Rule of Law - Security - Governance

COUNTER-TERRORISM AND PAKISTAN POLICE CAPACITY AND CHALLENGES

Pakistan is home to an estimated 200 million people, spread over six regions including the provinces of Balochistan, Khyber-Pakhtunkhwa (KP), Punjab and Sind, and the Gilgit-Baltistan and the Federally Administered Tribal Areas (FATA). While the armed forces have largely led the counter-terrorism operations, police across Pakistan look after the regular law and order matters.

However, emerging challenges post-9/11 have grown considerably beyond the capacity of the police and the Law Enforcement Agencies (LEAs) in all regions of the country. While the magnitude of crime and extremist religious militancy has surged in the past two and a half decades, the capacity of the police and LEAs has not. Organized crime, sectarian and religio-political violence, urban terrorism, target killings, kidnapping for ransom or for terrorist prisoner swaps, political patronage of crime and militancy, extortion, corruption, insurgency, vigilante mob violence and other criminal activities, have all skyrocketed.

This report looks at both the external and internal challenges to the police structures in the country, and provides recommendations for the LEA apparatus overhaul.

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Pakistan Police Challenges and Opportunities

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Acronyms

ACLC	Anti Car Lifting Cell
ACR	Annual Confidential Report
AIG	Additional Inspector General
aka	also known as
ANF	Anti-Narcotics Force
ATA	Anti-Terrorism Act
ATC	Anti-Terrorism Court
ASP	Assistant Superintendent of Police
BC	Balochistan Constabulary
CCP	Code of Civil Procedure, 1908
CIA	Crime Investigation Agency
CID	Crime Investigation Department
CPO	Capital City Police Officer
CM	Chief Minister
CNSA	Control of Narcotic Substances Act
CPLC	Citizens-Police Liaison Committee
CII	Council of Islamic Ideology
CJP	Chief Justice of Pakistan (Supreme Court)
CJS	Criminal Justice System
CNIC	Computerized National Identity Card
CrPC	Criminal Procedure Code
CRSS	Centre for Research and Security Studies
CTD	Counter Terrorism Department
CTP	City Traffic Police
DG	Director-General
DPOs	District Police Officers
DRC	Dispute Resolution Council
DSP	Deputy Superintendent of Police
EPF	Elite Police Force
ETEA	Educational Testing and Evaluation Agency
EPP	Excise Police Force
FATA	Federally Administered Tribal Areas (in north-western Pakistan)
FIA	Federal Investigation Agency
FIR	First Information Report
FPSC	Federal Public Service Commission
FSC	Federal Shariat Court

G-B	Gilgit-Baltistan (formerly Northern Areas)
GBV	Gender-Based Violence [see also VAWG]
GoP	Government of Pakistan
IB	Intelligence Bureau
IB	Investigation Branch
ICA	International Court of Arbitration
IED	improvised explosive device
IG	Inspector-General (Police)
IGP	Inspector-General Police
KP	Khyber-Pakhtunkhwa (province)
LEA	Law Enforcement Agency
MPA	Member of Provincial Assembly
MNA	Member of National Assembly
MuQ	Minhaj-ul-Quran
NADRA	National Database and Registration Authority
NPSC	National Public Safety Commission
NTS	National Testing Service
PAT	Pakistan Awami Tehrik
PC	Punjab Constabulary
PHP	Police Highway Patrol
PoPA	Protection of Pakistan Act
PPC	Pakistan Penal Code
PPO	Provincial Police Officer
PPSC	Provincial Public Safety Commission
PS	Police Station
Retd.	Retired
RPOs	Regional Police Officers
RRF	Rapid Response Force
SB	Special Branch
SCP	Supreme Court of Pakistan
SHO	Station House Officer
SIU	Special Investigation Unit
SSP	Senior Superintendent of Police
SSU	Special Security Unit
TPP	Traffic Police Punjab
TDM	tactical decision making (TDM) - sum total of force disposition (FD), operational environment (OE) and on-

	site decision-making mechanism (OSDM) of a police
VAWG	Violence Against Women & Girls [see also GBV]
VBIED	Vehicle-Borne Improvised Explosive device
VVS	Vehicle Verification System
WoT	War on Terrorism

Part 1: Pakistan Police

Introduction

Pakistan is home to an estimated 200 million people, spread over six regions including the provinces of Balochistan, Khyber-Pakhtunkhwa (KP), Punjab and Sindh. Gilgit-Baltistan in the far north – adjacent to the disputed Himalayan region of Kashmir – is treated as a fifth province with a special legislative status. The Federally Administered Tribal Areas (FATA), operating directly under the purview of the federal government, borders Afghanistan. India in the east, China in the northeast and Iran in the southwest are its other immediate neighbours.

Since 9/11, Pakistan has been pulled into the controversial global war on terrorism (WoT), and has suffered a substantial rise in terrorism, extremism, political and sectarian violence, and an unusual surge in crime. The sources range from criminal mafias, syndicates, extremists, terrorists and militant/jihadist groups to armed militant wings of political parties in various parts of the country.

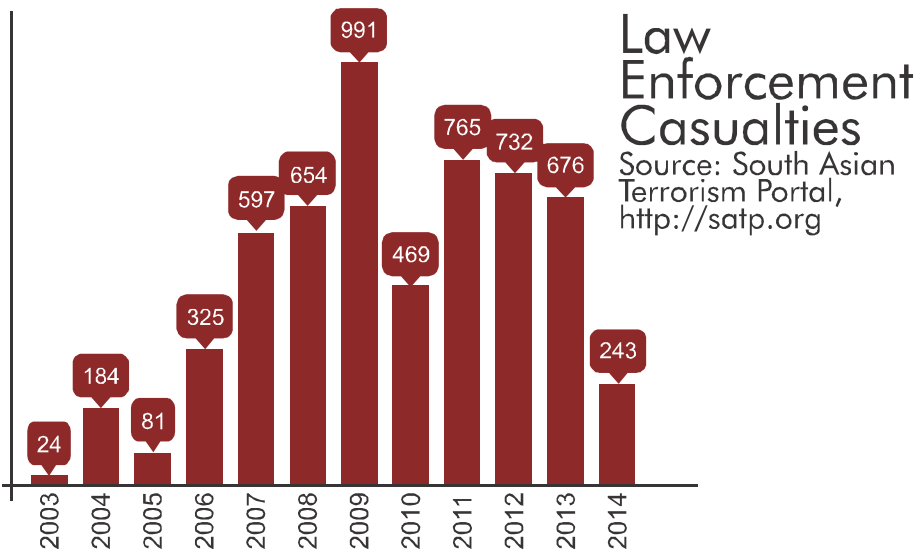
Pakistan's security apparatus comprises of around 35 law enforcement and investigation agencies (LEAs) including the police. Of these, 27 LEAs work under the federal government, 6 LEAs under the provincial governments and two (Khasadars and Levies) under the administrations in the border areas. Non-police LEAs number around 200,000. These LEAs include Rangers (Punjab), Rangers (Sindh), Frontier Core (Khyber-Pakhtunkhwa), Frontier Core (Balochistan), Pakistan Coast Guards and Northern Areas Scouts.

While the armed forces have largely led the counter-terrorism operations, mostly in the north-western territories bordering Afghanistan, as well as in Karachi, capital of the Sindh province, police across Pakistan look after the regular law and order matters. However, emerging challenges flowing from the post-9/11 complex situation have gone considerably beyond the capacity of the police and the LEAs in all the provinces, FATA and GB.

While the magnitude of crime and extremist religious militancy has

surged in the past two and a half decades, capacity of the police and LEAs has not. Organized crime, sectarian and religio-political violence and illegal activities, urban terrorism, target killings, kidnapping for ransom or for terrorist prisoner swaps, political patronage of crime and militancy, extortion, corruption, insurgency, vigilante mob violence (especially against non-Muslim minorities and minority Muslim sects) – all have sky-rocketed.

Unfortunately, the absence of commensurate political and administrative will and commitment to strengthen and capacitate the police/LEAs as the primary and central force against crime, as well as for counter-terrorism actions, have undermined the primary police functions. This has resulted in a great deal of demoralization and demotivation in all cadres of the police/LEAs. It has turned the police in Pakistan into the weakest link in an extremely volatile security environment, resulting in the loss of over 5,750 police personnel in incidents of bomb blasts, target-killings, ambushes, encounters and suicide bombings.



*Note: the 2014 figures are up to June, 2014.

Police Service

Currently, the police system in Pakistan is confounded by a competing set of laws governing its service structure: the Police Order 2002, a piece of legislation introduced to improve the capacity and performance of the police as an autonomous institution, and the Police Act of 1861, a legacy of the British colonial rule.

In addition, the Police Rules 1934 administer the procedures to streamline different police operations. In two provinces (Punjab and Khyber-Pakhtunkhwa), the police is governed by an amended form of the Police Order 2002. Sindh and Balochistan provinces, as well as the Islamabad Capital Territory (ICT) retain the old British era Police Act of 1861.

Policing in Balochistan comprises two tiers. Police operates in the urban centres (known as “A” areas), which comprise about 5% of the total territory (but a much larger percentage of the population). Levies operate in the rural areas (known as “B” areas), comprising 95% of the territory.

While the Police Act of 1861 provides no guidance or provisions on the tenure of police officers, the Police Order 2002 defines a fixed tenure of three years for provincial police officers (PPOs) and each of the provincial capital city police officers (CCPOs).

There are approximately 2,000 police stations all over Pakistan, with less than half a million personnel. Primarily, Pakistan police is responsible for crime control and while they are mandated for counter-terrorism, they are not adequately trained for counter-terrorism.

Executive Summary

This report is part of the Center for Research and Security Studies (CRSS)'s extensive advocacy campaign for the Rule of Law.¹ The campaign, focussing on policing and prosecution in Pakistan, draws on a valuable series of primary and secondary data available on the subject, including public consultations and individual interviews with various stakeholders.

As part of this nationwide campaign, the CRSS organized six national conferences, six consultative meetings with senior media representatives, six public seminars, three focus group discussions, 20 television talk shows and 20 radio talk shows. As many as 50 articles/columns in national newspapers were also published during this campaign. Besides, the CRSS also interviewed legislators, serving and retired provincial and federal police chiefs, and senior prosecutors for information on the status of the police force, the role of the police in the daily life of citizens, and professional weaknesses and challenges that they face.

Legal experts, civil society professionals, and the police officials – both serving and retired – who participated in various CRSS-led activities, including the electronic media programmes, provided insightful inputs and singled out the politicization of the police, i.e. political interference in appointments, transfers, postings and promotions of police officials, as the single biggest malaise afflicting the force.

Not only does the police force lack a uniform service structure, it also suffers from a lack of operational autonomy – often subject to the whims of political meddling. Interference by politicians and the bureaucracy is a common practice, even while dealing with serious incidents or cases. Whimsical transfers and postings also largely stem from political actors' propensity to have their “own men” in important posts. This, in turn, influences the registration of criminal cases, the sections cited in the FIRs, the facilitation of kith and kin in such cases, and even affects the investigation and thereby the prosecution outcomes.

¹CRSS Website - Rule of Law section, <http://crss.pk/rule-of-law/>

Issues such as the absence of a tenured posting policy, deficient and outdated hardware and equipment, and poor training, also stand out as some of the glaring factors that inhibit the improvement and growth of the police as an effective, independent and professional force. Frequent transfers and penal actions such as suspension from service for non-compliance of orders by political chief executives were also highlighted as factors that discourage police officers from fearless action. Most officers, therefore, refrain from taking bold actions – even those that are legitimate and in synch with the charter of their duty – in order to avoid the displeasure of their superiors, political rulers, or the judiciary.

According to the serving and retired police officers, uneven force density, unthinking distribution of the police force in disregard of actual requirements, disproportionate and asymmetrical officer-subordinate ratio in the administrative structure, centralization of police functions rather than devolution and delegation of authority, and the complete absence of independent monitoring bodies for performance evaluation, are some of the other issues which impede effective policing.

The police force faces resource constraints, shortage of human resources, poor mobility and communications, inadequate professional skills to deal with the needs and challenges of modern policing and investigation, and maintaining law and order in a society where challenges flowing from rising crime and terrorism have increased manifold.

Kidnapping for ransom, extortion, robbery, murder, abduction, rape/gang-rape, and petty street crimes are major concerns for the police in the category of crimes, while militant sectarianism, extremism and terrorism fall in the category of security issues. The police force does not have a specialized capacity, such as separate divisions for homicide investigation, terrorism and kidnapping for ransom. Mob control training, for instance, is an area where the Pakistani police lags far behind in comparison with many other countries, often resorting to baton charging, tear gas, and undue violence to subdue an unruly or large crowd.

Social pressures, such as undue consideration for family, friends and

colleagues, as well as graft and financial incentives, also interfere with non-partisan and professional policing.

Also, at the societal level, the police force suffers from a negative reputation for various reasons. Some of the most frequent public complaints against the police are: wilful abuse of authority, brazen implication of innocent people, even in criminal cases, and an overbearing inclination to manipulate complaints in favour of those offering financial incentives or coercing via political pressure.

These are some of the public grievances against the police, with the result that, rather than fearlessly approaching the police in their hour of need as an automatic choice, most citizens are often reluctant to do so. The risk of getting involved in a long investigation process, followed by possible litigation, keeps many away from the police station.

Here, the First Information Report (FIR) offers a pertinent context. Complaints that individuals lodge at a police station, resulting in the document that police officials themselves prepare, regarding a crime against a person or the state is called the FIR. As pointed out by all the stakeholders, the FIR is like a lethal, exploitative weapon in the hands of a member of the police force, who can mishandle it at will for personal gain. A “motivated” FIR – often born out of financial incentives for the concerned police person – can take an accused person even to the gallows or land him/her in jail for many years.

Legally, the FIR is considered merely the first report about a cognizable offence, which should lead the police automatically to the investigation. Unfortunately, with the passage of time, both the police and the overburdened courts have lent undue importance to this document and now the FIR is practically treated as a charge-sheet, rather than a basic document to guide the entire investigation process for producing the case in court. In fact, in many cases, the FIR is treated as the final investigative report, where the facts of the case are manipulated and moulded to fit this initial narrative.

The FIR, therefore, remains a major stumbling block in the entire criminal justice system. Formulating this document, as well as

subsequently carrying out the investigation associated with it, is the sole responsibility of the police. According to the opinion expressed by police officials, legal experts, academics and members of civil society, the police cadres abuse this authority extensively, only to the disadvantage of all those who are either unable to exercise political clout and influence, or to grease the palms of the investigating officials, or those who get caught up in a case by error or default.

Ironically, the FIR forms the foundation of both criminal and civil cases, and it also serves as a primary document for the prosecution. However, little effort, thought or consideration has gone into revising the procedures that lead to preparing the FIR and the charge-sheet. The entire process remains firmly in the hands of often compromised lower to mid-level police personnel, and thus becomes hostage to vendettas or personal greed or political pressure.

Most of the legal community, retired and serving police officials, as well as civil society, particularly human rights defenders, therefore, uniformly call for a fundamental review of the Criminal Procedure Code (CrPC), as well as for the standardization of the law governing the police force all over Pakistan, leading to comprehensive police reforms, and standardization of the police service structure, to enable it to function as a professional force in the service of the community.

PROVINCIAL POLICE PROFILES

Overview of the Punjab Police

Punjab Police comprises both field and auxiliary units. They work in close coordination for the safety and security of lives and properties of citizens of the province. The police is the main plank of public safety while auxiliary units include the Elite Police Force (EPF), Punjab Constabulary (PC), Police Highway Patrol (PHP), Special Branch (SB), Counter Terrorism Department (CTD), City Traffic Police (CTP), Traffic Police Punjab (TPP) and Investigation Branch (IB).

These units have their own administrative structures and work under their own rules and procedures. They are operational *per se*, however, only the EPF, PC and police strength deployed in the districts can be seen practically operational in terms of execution of different operations. The regular police force mainly operates in civil areas. The Elite Police works for the local police force and is deployed in special circumstances only.

Operational Strength

The Punjab Police have an approved working strength of 177,669 for a population of 90 million out of which 27,008 constitute the Lahore police, followed by Gujranwala region with 17,713, Rawalpindi region 16,450, Faisalabad region 13,887, Multan region 10,332, Dera Ghazi Khan region 7,969, Bahawalpur region 7,888, Sheikhupura region 7,032, Sargodha region 6,734, and Sahiwal region with 5,177.²

District/Region	Police Force
Lahore Police	27,008
Gujranwala Region	17,713
Rawalpindi Region	16,450
Faisalabad Region	13,887
Multan Region	10,332
Dera Ghazi Khan Region	7,969
Bahawalpur Region	7,888

²Central Police Office: Statistical Branch

Sheikhupura Region	7,032
Sargodha Region	6,734
Sahiwal Region	5,177

Auxiliary Units

The names and strengths of the various police departments are given below:

Police Department	Strength
Traffic Police	13,284
Highways Patrol	13,284
Punjab Constabulary	12,545
Telecommunication & Transport	7,518
Special Branch	3,688
Counter-Terrorism Department	2,842
Training Institutes	2,760
Investigation Branch	605
Elite Police Force	593
Police Qaumi Razakaar	193
Central Police Office	172

Principal Laws Governing and Administering Punjab Police

Four principal laws are in place for the police force in Punjab, namely: Pakistan Penal Code (PPC), Criminal Procedure Code (CrPC), Qanun-e-Shahadat (Law of Evidence) Order (1984), and the Police Order (2002). And there are a number of other secondary/local/special laws, like the Anti-Terrorism Act (ATA), Protection of Pakistan Act (2014), Local and Special Law Telegraph Act, Arms Ordinance, Motor Vehicle Ordinance, Control of Narcotic Substances Act (CNSA), Drug Prohibition Act, are also in operation.

Five-Year Comparative Crime Analysis³

Between 2009-13 the Punjab Police force's own crime data are

³Punjab Police: Investigation Branch

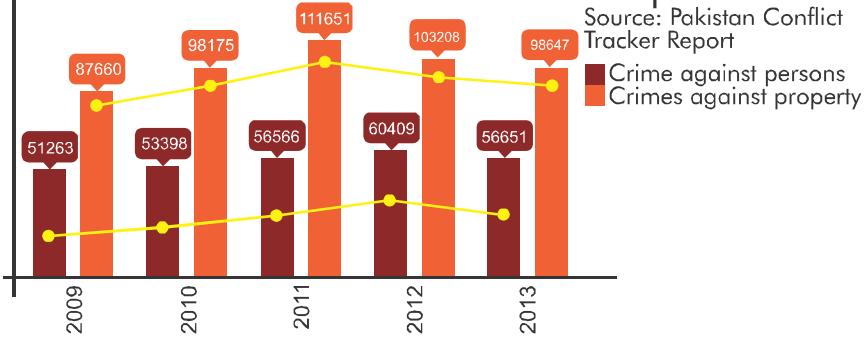
presented here. All reported crimes, including incidents of sectarianism and terrorism as a whole, in Punjab have witnessed a decrease in 2013 as compared to the year 2012. Official statistics reveal that the reported crimes in 2009 were 383,379; 386,437 in 2010; 419,365 in 2011; 395,006 in 2012; and 390,932 in 2013. Similarly, the statistics of crimes against persons show that as many as 51,263 cases were reported in 2009; 53,398 in 2010; 56,566 in 2011; 60,409 in 2012; and 56,651 in 2013. The reported crimes against property were 87,660 in 2009; 98,157 in 2010; 111,651 in 2011; 103,208 in 2012; and 98,647 in 2013.

Official statistics show variations in categories of police encounters with maximum 397 encounters reported in 2012, followed by 307 in 2009; 267 in 2010; 256 in 2013; and 216 in 2011. As many as 360 criminals were killed in such encounters in 2012, followed by 253 each in 2009 and 2013; 187 in 2010; and 127 in 2011.

Punjab Province	2009	2010	2011	2012	2013
Crimes against person	51,263	53,398	56,566	60,409	56,651
Crimes against property	87,660	98,175	111,651	103,208	98,647
Police encounters	307	267	216	397	256
Criminals killed	253	187	127	360	253
Total reported crimes	383,379	386,437	419,365	395,006	390,932

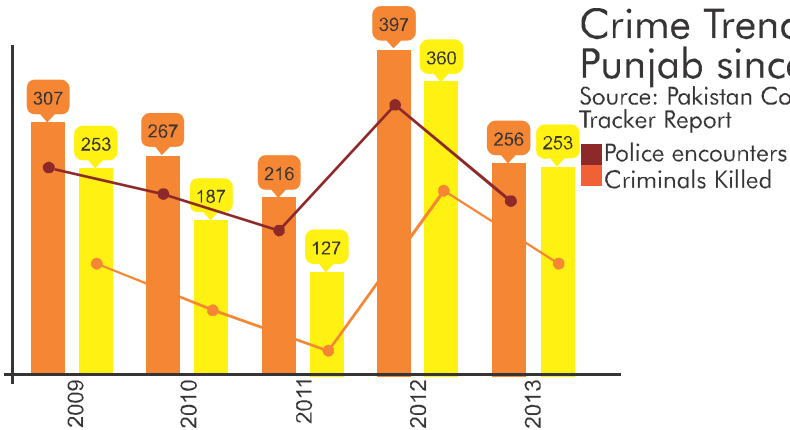
Crime Trends in Punjab since 2009

Source: Pakistan Conflict Tracker Report



Crime Trends in Punjab since 2009

Source: Pakistan Conflict Tracker Report



Structural, Logistical and Administrative Problems

Senior retired and serving police officers⁴ consider enforcement of rule of law in the province of Punjab an uphill task because of various political, social and economic factors hampering implementation. This in turn creates administrative problems for the effective functioning of the police service. In their opinion, politicization in the police department regarding transfers, postings and promotions, absence of a tenured posting policy, lack of equipment and training, uneven force density and distribution, disproportionate and asymmetrical officer-subordinate ratio in the administrative structure, centralization of police functions rather than delegation and devolution of authority, and the absence of independent monitoring bodies for performance evaluation are the major issues affecting the working of police personnel.

Defining the role of the police in combating corruption, crime, counter-terrorism and extremism, the retired police officers say that apart from strengthening internal accountability mechanisms, the external overseeing bodies, such as the Public Safety Commissions should be reactivated, and Police Complaint Cells should be established. The police are not properly trained for counter-terrorism, nonetheless, a Counter Terrorism Department (CTD), an auxiliary unit of Punjab Police, has been set up and personnel are being trained. The term “extremism” is also vague and normally the police does not take any step to address it unless compelled to do so through high-level political instructions.

The officers also believe that political influence weakens the police force, from registration of the FIR to investigation for determining whether the accused is guilty or innocent. Military or para-military organizations also influence police force in terms of administrative functions, by pressurizing the police whenever any military or para-military personnel are involved in a crime. The religious groups exert undue influence in investigation and registration of FIRs, especially in sectarian and blasphemy cases.

⁴CRSS interviews and CRSS-organised conferences/seminars on Rule of Law (see Annexure), 2014

Furthermore, the officers admit that the most common daily complaints against the police are about their rude public interaction and behaviour, corruption, non-registration of reported cases, lack of proper investigation and inefficiency. The fundamentals of the rule of law are very simple. Therefore, their compatibility with policing mechanisms is not a major issue.

They believe that crime eradication is the joint responsibility of the police force, prosecution services, jail administration and the judiciary, and increased and improved coordination is required. They advocate reforms in the entire criminal justice system, which, in their opinion, has failed to deliver in Pakistan. The most frequent complaint in the police department, they admit, is corruption.

They opine that the police force can play an effective role in countering terrorism but the criminal justice system does not support it, because the arrested culprits are not convicted by fearful judges who face death threats. They consider the field police personnel, especially district police officers (DPOs) and Station House Officers (SHOs), as the most affected segments in the police force, as they have to interact with and provide undue favours due to political pressure on a daily basis. Even the field officers are transferred by the government on complaints of legislators if their demands are not entertained.

They believe that autonomy can be ensured by a fixed tenure of the police commanders. All the DPOs would feel secure if the IGP is secure; but if the IGP is insecure the officers will look up to the politicians for their postings, transfers and promotions, and the whole system will eventually collapse.

They categorize the issues as:

- i) politicization of the police force, especially for transfer, postings, and promotions at the police station, sub-division, district and regional levels;
- ii) absence of a tenured posting policy for police officer cadres at all levels;
- iii) lack of proper equipment and training, uneven force

- density and distribution, asymmetrical officer-subordinate ratio, and over-centralization of police functions;
- iv) absence of independent entities to monitor and evaluate police performance and challenges

Case Study⁵

A senior police officer, on condition of anonymity, referred to the Model Town Lahore incident (June 2014) to explain as to how the police functioning is politically affected. The officer said that in police organizations, especially those evolved from a paternalistic governance model (a remnant of the British era), political interference is often seen as operational decision-making. The Punjab police force has always been subjected to such tactics for achieving political objectives, which manifests the weakness of the police commanders, who readily translate political decisions into tactical reality.

Recently, two incidents, both different in operational manoeuvring but similar in political strategic decision-making, have exposed political influence over police functioning. The Capital City District Lahore Police killed at least 10 civilians in clashes with demonstrators on 17th June 2014, when an anti-encroachment drive, in and around Minhaj-ul-Quran secretariat in Model Town, escalated from minor skirmishes into a full-blown police encounter.⁶

The police assembled fresh reserves, drawn from nearby police stations and the Police Lines, for enforcement of a political decision, leaving aside operational procedures and the need for a tactful diffusion of the situation. Unknown plain-clothed individuals joined the ranks of the police against fully entrenched adversaries in the secretariat. The heavy deployment of an Elite Police contingent on nearby rooftops and their encampments encircling the target area indicated only one objective: to take over the secretariat at all costs. On Saturday, 14th June 2014, the services of the Inspector-General of Punjab Police were terminated

⁵CRSS interviews, 2014

⁶"Descent into mayhem", Express Tribune http://74.205.74.128:88/DisplayDetails.aspx?ENI_ID=11201406180060&EN_ID=11201406180030&EMID=11201406180008

during a high level government meeting, replacing him with an IGP from the Balochistan Police force.

It was emphasized by the high-level government functionaries in that meeting that the police must forcefully handle the Pakistan Awami Tehrik (PAT) and MuQ workers, before their chief, Tahir-ul Qadri's arrival, in order to send him a clear political message.

No orders were issued for the temporary/interim commandership of the Punjab Police until the new IGP arrived and took charge on 17th June 2014.⁷ Thus, the Punjab police force was virtually leaderless for three days, during which the districts, regions and the Capital City District Lahore became (fully) independent units in decision making and policy implementation. It was under this confused and leaderless provincial police organizational structure that the Model Town operation unfolded.

The brutal police action left 10 dead and 85 injured, according to media reports of the casualty data available from the Punjab Police.⁸

The second, related incident took place on 23rd June 2014, when Tahir-ul-Qadri arrived in Pakistan from Canada. The provincial police leadership gap had been filled by then, but the Punjab government was in a state of post Model Town incident shock, paralyzed by indecision and an absence of clear direction.. The new police command was instructed to exhibit the maximum restraint and to use minimum deadly force. The junior police cadres were given polo sticks and anti-riot gear, but no firearms or lethal weapons. This unnecessarily exposed the police force to violent mob brutality and left them at the mercy of raging PAT/MuQ workers. Again, this was a political decision, implemented without considering the need for police force protection and operational command. Consequently, 41 policemen were injured.⁹

⁷"Govt replaces Khan Baig with Mushtaq Ahmed Sukhara as new IGP Punjab", Express Tribune <http://tribune.com.pk/story/721846/govt-replaces-khan-baig-with-mushtaq-ahmed-sukhara-as-new-igp-punjab/>

⁸"Death toll rises in Model Town tragedy", The Nation , <http://nation.com.pk/national/24-Jun-2014/death-toll-rises-in-model-town-tragedy>

⁹"Police, PAT workers, duke it out", Express Tribune http://74.205.74.128:88/DisplayDetails.aspx?ENI_ID=11201406240021&EN_ID=11201406240011&EMID=11201406240003

The officer analyzed the two incidents to explain how the police had been used for political purposes. In the first case, the police over-reacted to implement political directions, whereas in the second, diametrically opposite case, the police command undermined the safety of the police force, in order to execute the political decision, in fact, colluding with the political decision-makers. Both were wrong and illegal actions, under the existing police laws, rules and procedures.

The operational police actions, in any form and proportions, always rely on personal decision-making of the police commander on the spot. It is a dynamic field situation, which requires framing and reframing of plans in the changing operational environment. If field actions are tampered with minute-by-minute political instructions, the operational outcomes will always be disastrous, as demonstrated in both incidents.

Crime, shared an attendee, is an incessant phenomenon. Since a number of factors are responsible for crime and its prevalence in society, the police can only check to minimize the occurrence of incidents, but it cannot completely stop the prevalence of crime. The officer quotes the example of Malaysia where minimum tenure of posting of an IGP is seven years and once posted, the IGP's functions and operations are continuously monitored and he cannot be removed from his post unless serious complaints are made against him.

Analysis

There exists a functional disability in the Punjab police force, owing to the lack of proper training and command structure, which often exhibits erratic behaviour, during tactical operations or raids, often resulting in overstepping the red lines or prohibitions for any civilian law enforcement agency. Once a police action is initiated, it triggers a chain reaction of events where operational police behaviour and the exercise of restraint over official responses is difficult.

In any situation, the tactical decision making (TDM) is a sum total of force disposition (FD), operational environment (OE) and on-site decision-making mechanism (OSDM) of a police commander. Generally speaking, the greater the politicization of OSDM, the higher the

probability of its operational disaster. For example, the political leaders decide a strategy for a particular situation and direct the local administration to map it with their administrative actions. Now if the latter denies itself proper space for TDM and designs OSDM in accordance with political strategy, then it requires an extra effort, both in terms of human and material resources, which often crosses or touches upon the limits of active or passive force for its realization. An independent TDM on the basis of proper OSDM was, therefore, missing in both the above cases.

The dynamic operational environment comprises elementary positions and adversarial fortifications as judged and observed by police officers. Unless a dynamic responsive action is planned, the operational strategy will always lead to catastrophe. In both cases under review, the field officers tried to apply static decisions in a dynamic operational environment – based on political not tactical considerations – which finally resulted in 2 negative outcomes, first in Lahore, in the shape of civilian killings and second in the form of police injuries caused by massive civilian highhandedness against the police in Rawalpindi.

Force disposition, by its very nature, encompasses numbers of police personnel deployed in any given operational environment based on on-site assessment and decision-making mechanisms. It can also be referred to as a mobile force density in any given operational situation at a particular point in time. The equipment and logistics involved with force personnel is part of its disposition. Unless it is examined minutely based on a given OSDM, it results in either excessive or insufficient use of force, as can be seen in the two case studies.

Brief tenures of police leadership:¹⁰ The adverse impact of these premature transfers, on the ongoing, massive operation in Karachi against suspected terrorists and criminals, does not appear to be of much concern to the provincial government. This, however, brings us to the deeper systemic malaise of brief tenures in police and their impact on police effectiveness.

¹⁰"Brief tenures of police leadership", Dawn , <http://www.dawn.com/news/1119220/brief-tenures-of-police-leadership>

Overview of Sindh Police

The Sindh police force is governed through a model introduced by Charles Napier in 1843, a replica of a British-Irish model, aimed at suppressing and punishing the local population, and extortion. Except Calcutta, Madras, and Bombay, where the London model was implemented, the Irish model was first introduced and tested in Sindh and was later replicated and implemented throughout the British-ruled sub-continent.

Although many believe that the Police Order 2002 is still a valid law and cannot be scrapped, the Sindh government actually repealed the Police Order 2002 and brought back the Police Act 1861. This 154-year-old law, thus, continues to administer the police system in the province and by default, this law and the system continues to be a power tool in the hands of the affluent and powerful, be they government functionaries, politicians or feudal landowners. The police force enjoys disproportionate power without commensurate responsibility and accountability. To continue to enjoy this power, the police plays into the hands of such masters, instead of serving the people and the community. The police force faces resource constraints, shortage of humanpower, poor or non-existent mobility and communications, diminished capacity to deal with the emerging needs and modern challenges of policing, investigation, and maintaining law and order. Interference by politicians (both in the government and outside), who impede day-to-day working of the police department, including recruitments, transfers and postings. These are the issues hampering police performance. Political involvement and pressure is seen at all levels.

Another report of the CPLC provides insights into the state of affairs at the police stations. The report reveals that no police station in Karachi has all the necessary prerequisites. Some do not have the bare minimum facilities such as lockups, toilets, telephones and drinking water. This report is confined to police stations in Karachi, but one can extrapolate a worse state of affairs in the secondary cities, towns and the rural areas.

Observations Made by Serving and Retired Police Officers¹¹

1. The performance level is abysmally low.
2. All the police officers, whether they belong to the Police Service of Pakistan or to the Sindh Police Service, always get “A” in their Annual Confidential Reports (ACRs) and reach Grade-22 by the end of their service. Therefore, the law and order gets worse under their command. There is hardly any example of officers being punished for their failures, incompetence, crimes or corruption.
3. The police department itself violates laws and rules governing the police. This violation is common in appointments, transfers, postings and other administrative moves in the department.
4. Under the rules, the police department is required to submit an Annual Administrative Report, which is seldom if ever completed and submitted.
5. Over 90 per cent of the FIRs registered remain “A” Class, meaning the police personnel report to the court in a '*challan*' that they are “unable to trace/solve”.
6. The per capita expenditure on policing in Sindh is higher than that in Punjab. In Sindh, the per capita expenditure is Rs. 100, whereas in Punjab it is Rs. 70.
7. “The system is dead and is on a ventilator. Needs reforms urgently”, said a senior retired officer.

Operational Strength And Structure Of Sindh Police¹²

The Sindh police force has a total strength of 123,540, serving in all branches of the department, of which 34,380 are serving in Karachi. In addition, 12,995 paramilitary Rangers are deployed in Karachi to supplement the regular police in combating crime and maintaining law and order in the city.

The Sindh police force has five ranges, headed by a DIG, except for

¹¹CRSS interviews 2014

¹²Sindh Police

Karachi, where an Additional Inspector-General (AIG) heads the city police with four DIGs, one each in the east, west, central and south districts. The total number of police stations in the province is 539. The number of police stations in Karachi is 123, in Hyderabad range 160, in Mirpurkhas range 39, in Sukkur range 86 and in Larkana range 131.¹³

The Sindh police force operates through different branches to handle different types of crime and the various needs which arise from time to time.

The Branches of Sindh Police

1. Operations (at police station level)
2. Investigation (at police station level)
3. Crime Investigation Department (CID: tasked with investigating and combating terrorism)
4. Crime Investigation Agency (CIA: tasked with investigating the assigned cases and maintaining the criminal record)
5. Special Investigation Unit (SIU: tasked with dealing with heinous crimes, kidnapping and others)
6. Crime Branch (CB: deals with cases referred to it by the IGP)
7. Anti-Car Lifting Cell (ACLC: tasked with cases related to vehicle theft)
8. Rapid Response Force (RRF: trained police commandos used to supplement the regular police while dealing with terrorists)
9. Special Security Unit (SSU: used to provide security to 'VVIPs' as well as sensitive installations)
10. Sindh Reserve Police (used in case of emergencies related to law and order, and to supplement the regular police force)
11. Traffic Branch (working to manage the traffic in cities)
12. Training Branch (the Sindh police operates ten training centres in the province, including regular training, commando training, traffic police training)

¹³Sindh Police

Funding¹⁴

For the year 2014-15, the Sindh government has allocated Rs 52.23 billion for the police force. This budget includes development and non-development expenditure. The Sindh government is spending over Rs.3 billion annually to maintain the presence of the Rangers in Karachi. This amount is over and above the above-cited budget allocated for the police force in the province.

Laws Governing and Administrating Police Service in Sindh¹⁵

Four principal laws are in place for the police force in Punjab, namely: Pakistan Penal Code (PPC), Criminal Procedure Code (CrPC), Qanun-e-Shahadat (Law of Evidence) Order (1984), and the Police Order (2002). And there are a number of other secondary/local/special laws, like the Anti-Terrorism Act (ATA), Protection of Pakistan Act (2014), Local and Special Law Telegraph Act, Arms Ordinance, Motor Vehicle Ordinance, Control of Narcotic Substances Act (CNSA), Drug Prohibition Act, are also in operation

Against the backdrop of an ongoing operation against criminals and terrorists in the strife-torn city, the Karachi police force and Rangers are relying more on the Anti-Terrorism Act (ATA) and Protection of Pakistan Act (PoPA). But, as elsewhere in Pakistan, the basic laws are in place in Sindh as well. Law of Evidence (Qanoon-e-Shahadat 1984), Police Act, Pakistan Penal Code (PPC), and the Criminal Procedure Code (CrPC) are the primary ones.

In addition to these, a number of laws governing crime and the criminal justice system are also operative in the province. These laws include the Child Protection Act, Witness Protection Act, Law Preventing Child Marriage, Motor Vehicles Ordinance, Telegraph Act, law governing drugs, and others. These are the Pakistan Penal Code (PPC) and the Criminal Procedure Code (CrPC).

¹⁴Sindh Police and Finance Department

¹⁵CRSS interviews, 2014

Comparative Crime Analysis¹⁶

The number of reported crimes in Sindh province shows a fluctuating trend from 2009 up to 20th August 2014. The reported crimes include crimes against persons, crime against property, police encounters and the number of criminals killed during encounters.

90,619 cases were reported in 2009. This number includes 26,462 crimes against persons, 42,733 cases against property, 2,489 police encounters and 180 criminals killed.

In 2010, the total reported cases surged to 100,765. These include 27,677 crimes against persons, 50,793 cases against property, 2,615 police encounters and 170 criminals killed.

However, a sharp decline was witnessed during the year 2011 when a total of 69,895 cases were reported of which 24,528 were against persons and 26,067 were against property. As many as 2,862 police encounters resulted in killing 183 criminals. However, no explanation was available for this sudden and drastic dip.

In 2012, 77,986 cases of various crime were registered and this exposed an increase in the crime rate. Of these, 24,997 crimes were committed against persons and 32,609 against property. During the year, 3,018 police encounters were reported and 193 criminals were killed.

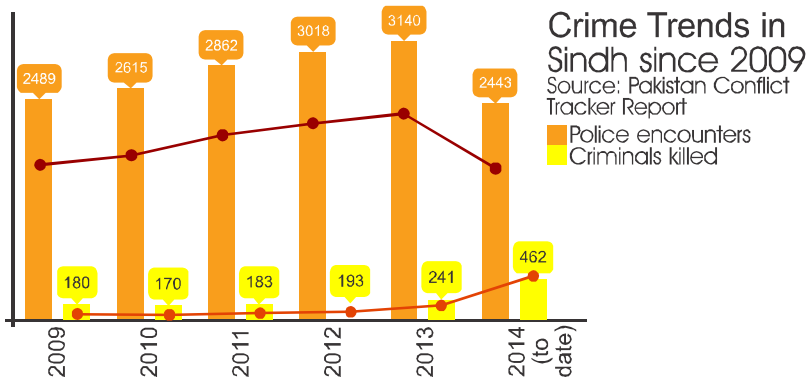
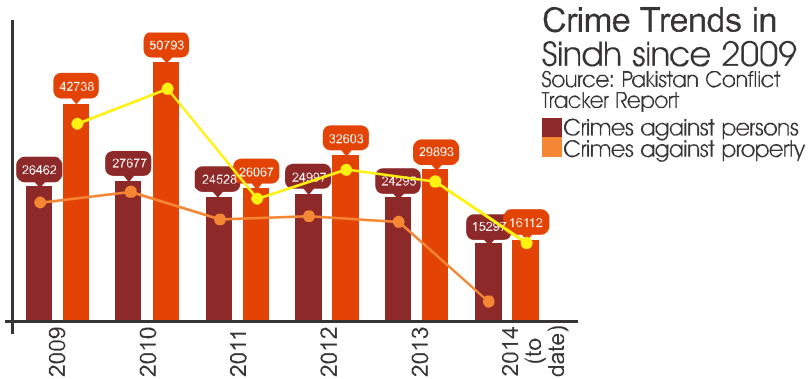
In 2013 a total of 74,953 crimes were reported, of which 24,295 were committed against persons and 29,893 against property. During the year, 3,140 police encounters were reported and 241 criminals were killed.

In 2014 (1st January to 20th August) 46,483 crimes were reported. In almost eight months of 2014, crimes reported against persons stood at 15,297 and 16,112 against property. In eight months 2,443 police encounters were reported and 462 criminals were killed, which is a dramatic rise in numbers, compared to the previous years.

¹⁶Sindh Police and Home Department

Sindh Province	2009	2010	2011	2012	2013	2014*
Crime Against Persons	26,462	27,677	24,528	24,997	24,295	15,297
Crime Against Property	42,738	50,793	26,067	32,603	29,893	16,112
Police Encounters	2,489	2,615	2,862	3,018	3,140	2,443
Criminals Killed	180	170	183	193	241	462
Total Reported Cases	90,619	100,765	69,895	77,986	74,953	46,483

Note: 2014 data is up to August 20, 2014.



Metropolitan Karachi

Metropolitan Karachi, the commercial hub of Pakistan, with an estimated population of over 20 million people, tops in crimes as well. The police crime data reveals that the number of reported crimes in the city is more than 50 per cent of the total crimes reported in the Sindh province during the period under review (2009 to 2104). However, in

2011 it was around one-third of the total crimes reported in the Sindh province.

According to the data, 49,414 crime cases were reported in Karachi in 2009, 59,196 in 2010, 28,974 in 2011, 42,059 in 2012, 41,509 in 2013, and 22,671 in 2014 (between January-August).

The number of criminals killed in Karachi has also increased as shown in the data. Nonetheless, the killing of police personnel in Karachi is increasing alarmingly. The majority of the policemen killed were targeted in Karachi. For instance in 2009, out of 64 policemen killed, 37 were killed in Karachi. In 2010, out of 83 policemen killed, 54 were in Karachi. In 2011, out of 98 policemen killed, 71 were in Karachi. In 2012, out of 154 police killings, 122 were in Karachi. In 2013 out of 205 police deaths, 165 were in Karachi, and in 2014, out of 142 killings, 114 were in Karachi (8 months data).

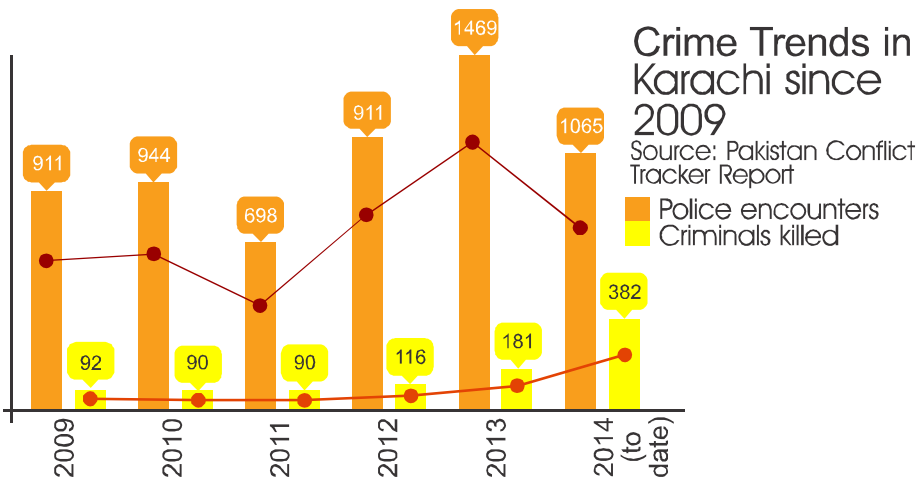
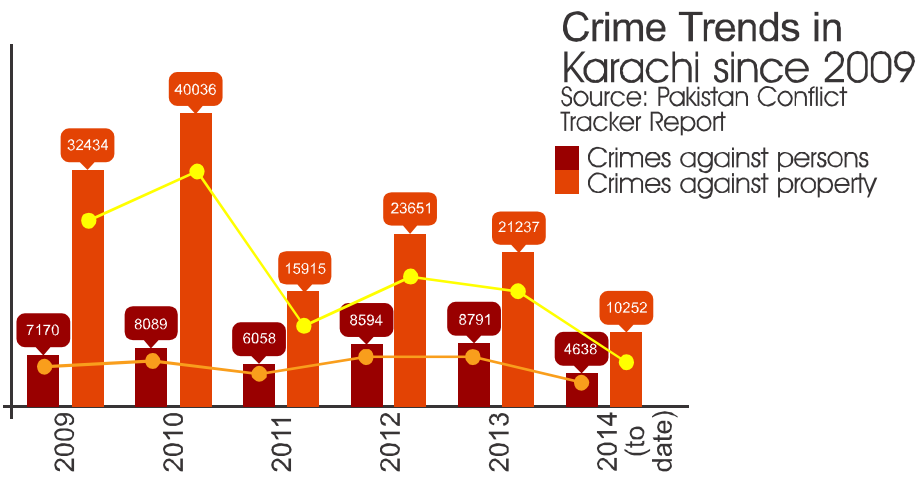
The police have been targeted by terrorists, criminal gangs, as well as by political and criminal mafias (e.g. land, smuggling, trafficking, drugs and arms mafias). In Karachi, violence includes infighting amongst political rivals, sectarianism, terrorist activities, gangs of extortionists, kidnappers, and others. The data shows that the killing of alleged criminals in police encounters has significantly increased in Karachi.

Ironically, the data does not show the real picture of the crime situation in the Sindh province. A significant number of crimes, especially crimes like mobile cellphone snatching, extortion (*bhatta*) and vehicle-jacking, go unreported.

A similar picture of the crisis was shared by former IGP Sindh, Mr. Niaz Siddiqui and the Chairman of the CPLC, Mr. Ahmad Chinoy, at one of the CRSS meetings. Police refusal in registering crime cases (FIRs), also contributes to the high number of unreported cases. In some cases, such as vehicle-jacking, the police often insist on an out-of-court settlement between the victim and the criminal perpetrator. Had all the crimes actually been reported, the data would be grimmer than it appears now.

Karachi City	2009	2010	2011	2012	2013	2014*
Crime Against Persons	7,170	8,089	6,058	8,594	8,791	4,638
Crime Against Property	32,434	40,036	15,915	23,651	21,237	10,252
Police Encounters	911	944	698	1,128	1,469	1,065
Criminals Killed	92	90	90	116	181	382
Total Reported Cases	49,414	59,196	28,974	42,059	41,509	22,671

Note: 2014 data is up to August 20, 2014.



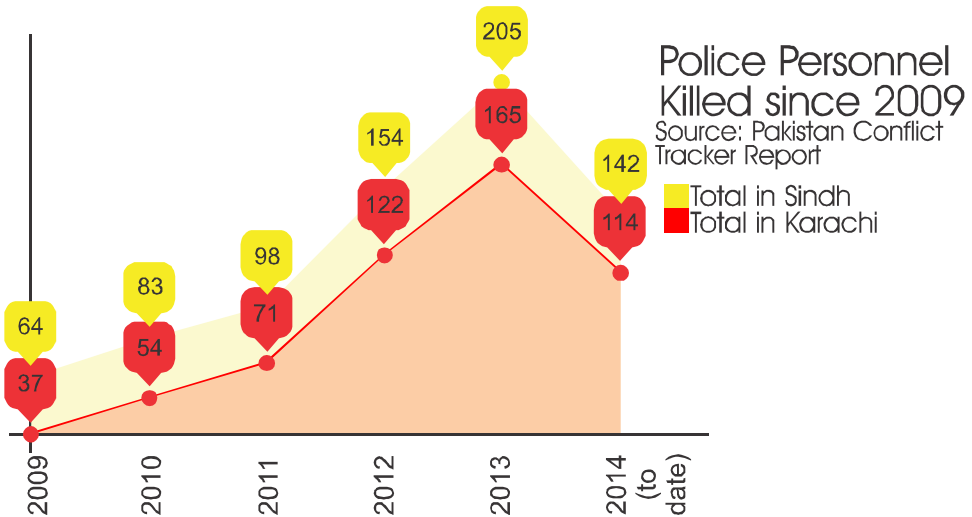
Killing of Police Personnel

Targeting police personnel is observed to be increasing for each year under review. The number of police personnel falling victim to terrorism and criminal gangs was 64 in 2009, 83 in 2010, 98 in 2011, 154 in 2012 and 205 in 2013. In 2014, (over a period of eight months) 142 policemen were been killed in the line of duty.

POLICE PERSONNEL KILLED

Police Personnel Killed	2009	2010	2011	2012	2013	2014*
Total in Sindh	64	83	98	154	205	142
Total in Karachi	37	54	71	122	165	114

Note: 2014 data is up to August 20, 2014.



Analysis

Meetings and background interviews with serving and retired police officers suggest that the Sindh province fares the worst in governance. The province has the most compromised bureaucracy and police force in the country, they admit with a heavy heart.

As one senior serving police officer puts it: "A UK dictionary describes the Rule of Law as: 'a set of laws that people in society must obey'. If we filter our society through this criterion, it becomes evident that the Rule of Law does not exist. Neither society nor the police force is ready to cooperate and mend its ways to comply with the Rule of Law, in order to become a civilized society."

In Sindh, administrative interference by the government, politicians, bureaucracy, feudal landowners and the affluent classes, especially in recruitments, promotions, transfers, postings, procurements and even in day-to-day administration is rampant. The police force enjoys vast powers, but when it comes to service, it only serves the power players and their political masters. Even the officers considered "clean and honest" are made to oblige tribal chieftains, feudal and religious landlords, and politicians and influential groups.

Analyzing the role of the police in various fields of operations, the interviewed officers are of the view that the role of the police force, especially in combating crime, corruption, terrorism, and maintaining law and order seems minimal.

Furthermore, in the absence of an effective internal accountability mechanism with the sanctity of law, the police force cannot play an effective role in combating crime and corruption. At the same time, bodies such as Public Safety Commission are necessary for effective monitoring of the police force, in order to provide relief to the people, and to uphold the rule of law.

Above all, political recruitments, transfers and postings, lack of career planning and incentives, all contribute to block the efficient working of the police department. Other major issues, such as poor quality of

humanpower, lack of training and equipment, technological skills and specialization in various fields of operations, such as investigation, forensics, medico-legal issues, mobility and communications, have resulted in poor performance and ineffectiveness of this vital force.

The police were not adequately trained and capable of handling terrorism to begin with. But even now, after a decade and a half of the scourge of terrorism plaguing the country, the police force is still not geared to combat this menace. However, some success was reported and a small improvement was seen in recent months in checking and dealing with terrorism after the launch of the LEAs' and paramilitary operation in Karachi and the military operation 'Zarb-e-Azb' in North Waziristan in FATA.

In the absence of proper training, equipment and modern facilities, the police force became the worst victim of terrorism in Karachi. They admit that, in its current form, the police force is not really up to the challenge, or capable of dealing with the situation, but they hoped that with renewed efforts, better training methodology in line with today's needs, and better facilities, the situation may improve. They cautioned, however, that training alone will be insufficient. The overall lack of governance, especially political interference, has always had a direct impact on effective policing. If it is used as a tool for coercion and manipulation (as has been the practice in the past), the desired goal of serving the people, community and society will not be achieved.

In this context, the military and paramilitary agencies' interference in the LEAs' operations and working has also been reported as a hurdle by police officers. In Sindh, especially in Karachi, dual authority exists in the form of police and paramilitary Rangers. The Rangers have also acquired powers of arrest and investigation, tasks which were primarily the responsibility of the police force.

It was further reported that the issue of extra-judicial killings, as a legacy of past military regimes, still lingers on, as a "quick-fix" and a "preferred solution" to avoid the due process of law. This further compromises the working and integrity of the police force.

Role of Citizens-Police Liaison Committee (CPLC)

The CPLC was established in 1992 to bridge the gap between the police and people, to provide relief to citizens, and to help the police force and other law enforcement agencies in combating crimes. The actions the Committee has taken up in assisting the public, law enforcers and victims of crime have been in the following areas:

- kidnapping for ransom,
- extortion,
- theft/snatching of vehicles and mobile phones,
- helping police and other law enforcing agencies in combating these crimes.

Issues related to registration of FIRs, illegal detention, recovery of lost, runaway or abducted persons (both adults and children), removal of gambling and drug dens, violence against women and children and violations of their rights, violations of minorities' rights,, mediation and arbitration, cyber-crime (including hacking of Facebook and email accounts), are some of the areas where the CPLC provides ongoing support.

The CPLC has been effective in handling kidnapping for ransom. But in other areas it operates modestly. This organization has given hope that if the police force and other law enforcing agencies choose to serve, they can deliver.

The CPLC has five operational districts. Four districts of Karachi and Hyderabad district offices are functional, providing services to the people and helping the police and other law enforcing agencies in combating crime. However, with some awareness about the scope and ability of the organization, the general public has been unable to benefit from it significantly. It is not very effective in dealing with public complaints against the police and the Rangers. There is also a need to establish CPLC branch offices in other districts of the province and countrywide. An awareness campaign informing people of CPLC's role in helping them in distress is vital, so that people can know and avail the

valuable services the CPLC is providing.

Key Issues

1. Political influence and poor governance.
2. Recruitments, promotions, postings and transfers are done without merit.
3. Shortage of capable officers is also a problem. Efficient officers are sidelined and the province is reluctant to accept officers from other provinces.
4. Violation of rules, regulations and laws within the police department is rampant. For instance, no officer can be posted in his/her native district but this rule is blatantly flouted. PSP officers need to be transferred out of their province after three years, but they are serving for much longer duration, while some have never served in other provinces.
5. Corruption.
6. Lack of public service ethos. The police force acts as masters, not as public servants, following the colonial tradition.
7. Lack of up-to-date training, expertise, investigation skills, modern forensic facilities and the capacity to perform. As former IGP Sindh puts it "the police is still relying on traditional high-handed methods in extorting confessions and is not investigating cases to collect and corroborate credible evidence during investigation, which is necessary for presenting the case in the court and for a conviction".
8. Slow or zero response to complaints. This starts from the registration of the FIR to investigation and presenting the case in the court, along with the appearance of the accused in the court. Common complaints against the police are harsh, including, humiliating behaviour with citizens and not responding to their grievances and complaints.

Case Study¹⁷

During interviews, almost all the senior police officers in the Sindh police force complained that political interference in the operations and working of the police department is very high.

They quoted the then-recent incident of the removal of Mr. Iqbal Mahmood as IGP Sindh. The differences cropped up soon after his appointment as IGP. Mr. Mahmood resisted the political appointment, posting and transfer of some officers at the government's behest. In response, the Sindh government stripped him of some of his powers and instead gave the authority to the Chief Secretary, and thus got their favourite officers appointed to those posts. Now the IGP Sindh is left only with the power to transfer and post officers just up to the DSP level.

The final blow came when Mr. Mahmood refused to approve a deal for the procurement of Armoured Personnel Carriers (APCs) for the police. Instead, Mr. Mahmood appointed a Committee, which did not approve the supplier recommended by some powerful political members of the Sindh government. This act was greatly disliked. Mr. Iqbal Mahmood survived only a few months, from April 2014 through July 2014.

Use of Political Power and Wealth

Another incident shows how wealthy, powerful and influential people manipulate the law and how the police knuckles under such pressures.

In December 2012, Shahzeb Khan, a university student in Karachi, was shot and killed by Shahrukh Jatoi, son of the wealthy feudal landlord Sikandar Jatoi, and Siraj Talpur, who was from the powerful Talpur clan, along with othelordsrs. This sparked a countrywide outrage against the abuse of power by the wealthy feudal in Pakistan.

The father of the victim, who was himself a senior police officer (a DSP), struggled hard to get the case registered through an FIR and then have

¹⁷CRSS interviews, 2014

the identified accused persons arrested. Shahrujh Jatoy, the main accused, was aided by senior government functionaries to escape and flee to the UAE through Karachi airport. The issue was taken up initially by students and civil society activists, and then the media highlighted it, forcing the judiciary to take suo motu notice. Shahrukh's return to Pakistan, his subsequent arrest and murder trial was only made possible following an order from the Supreme Court of Pakistan.

In this case the father of Shahrukh, the main accused, used his huge wealth, important political contacts, senior government functionaries and the police force to help his son escape from Pakistan. Subsequently, at the conclusion of the trial, although both the accused young men were convicted of first-degree murder, they both flashed victory signs when coming out of the court, smiling and laughing. Both of them were sentenced to death for their crime, while Sajjad Talpur and Ghulam Murtaza Lashari were sentenced to life imprisonment for aiding the two main killers.

However, in a bizarre twist, in September 2013, Shahzeb's parents, DSP Aurangzeb Khan and Mrs. Ambreen Aurangzeb, suddenly decided to file an affidavit in the court, pardoning all four convicts and requesting their release from prison. There were widespread stories of misuse of the '*qisas*' and '*diyat*' law for personal pecuniary gain. The civil society and student activists were broken-hearted and very angry at the post facto deliberate miscarriage of justice, after the judiciary had pronounced its verdict in accordance with the law.

Jirga System

In a landmark judgement on 23rd April 2004, the Sukkur bench of the Sindh High Court declared the *jirga* system in Sindh as unlawful, illegal, and against the provisions of the Constitution and the law of the land.

Consequently, both the police and the Sindh government were bound to act to eradicate *jirgas* and to take strong legal action against all those convening, conducting or participating in them. But they have totally failed to do so. To date, *jirgas* continue to be held with impunity, without

any hindrance or check. Many of them are held in government-owned premises, e.g. district circuit houses, with official patronage and full protocol, presided over by sitting members of the provincial and national legislatures, and, in some instances, also by sitting Ministers.

Starting with the renowned Samar Minallah case in 2006, the Supreme Court of Pakistan has also given its verdict against *jirgas* and punchayats, declaring them illegal all over Pakistan and directing the federal and all four provincial governments to eliminate them; prevent their being convened; and punish anyone breaking the law. The SCP has upheld and repeated its judgement several times since then, including the Salman Akram Raja and Tahira Abdullah Constitutional Petition (published 2012).

However, the cruel and unjust system continues and flourishes with impunity. It is sustained and perpetuated with the aid and abetment of the local police and the civil administration, as it is considered a merit if criminal cases are “resolved” through informal *jirgas*, and are thus not formally recorded or registered by the police in the district, thereby bringing that district's crime graph down.

The feudal, tribal and religio-political landlords, wealthy politicians, police, bureaucracy, parliamentarians and some sitting government Ministers too, all contribute to keep the illegal jirga system alive and help it to flourish.

Conclusion

The Sindh government has been criticized and even pressured by various stakeholders to reform the police force and enact a new law providing relief to the people and improve the working of the police force.

In April 2014, a senior police officer representing the Sindh Police Department at the seminar organised by the Centre for Research and Security Studies, informed the gathering that the Sindh government has given approval for drafting a new law on police reforms. He further

stated that the Law and Order Committee of the Sindh government was tasked to draft the new law keeping the Police Act 1861 and the Police Order 2002 in mind, and retaining the positive features of both laws while drafting. A member of the Sindh Assembly from the ruling Pakistan People's Party, Syed Owais Muzzafar was nominated the Chair of the Committee, along with representatives of the government as well as the police.

Similarly, the Legal Aid Office, an organization headed by retired Justice Nasir Aslam Zahid, has also prepared a draft law for police reforms. It provides for police autonomy and independence, an accountability process, as well as prescribing rules and regulations for the administration of the police department. The draft of this proposed law was sent to the Sindh government. However, up to this publication's going to the press, the Committee has not met. The fate of the proposed law drafted by Justice (retd.) Nasir Aslam Zahid is not known either. The experts believe that this draft will provide a foundation to formulate a law to reform the Sindh police force, provided there is the political will to do so.

On the other hand, efforts to improve police are underway through a massive training program, upgradation of facilities and providing modern technology and equipment. At the moment, the Sindh police is conducting perhaps the biggest training programme in its history, in which 60,000 police personnel will be trained. Around 2,000 have already been trained. This programme is run with the help of the German government, which is not only helping in the training, but is also providing equipment and upgrading the training centre. Donors other than the German government are also helping the Sindh police force in various fields, including training locally and abroad and providing various types of equipment.

Recently, the Sindh police force has been provided fingerprint kits, GSM tracking devices, IBS device used in ballistics and many more. But these facilities are either not used at all or are used sparingly. For instance, the IBS equipment is still not unpacked. The fingerprinting skills are so low that the kits are not used properly. Similarly, GSM tracking devices are not used properly due to lack of training and skills. There is also a need to

acquire more tracking devices, as the Sindh police force has received only two such devices. The CPLC is using it more efficiently and effectively.

Overview of Khyber Pakhtunkhwa (KP) Police

The Khyber Pakhtunkhwa police force is poised to become a model law enforcement agency as it is undergoing a radical transformation by battling challenges on all fronts, ranging from its capacity for fighting terrorism to fixing endemic corruption within, and most importantly, moving towards de-politicisation. Since 2011, the policing structure has changed completely. With the introduction of strong extremist militant elements as the major threat, the former peacetime policing has shifted towards counter-terrorism policing. Police stations and police personnel have become greatly vulnerable to terrorism. More than 1,000 police personnel have been killed and over 2,000 wounded in attacks throughout KP since 2006.¹⁸ Therefore, the police force had to change its policies. The shift towards more protected and closed police facilities has resulted in an increased gap between the police and the public.

Structural and Operational Strength¹⁹

The police in KP have a sanctioned strength of 65,000 for a population of about 22 million.²⁰ The headquarters of KP police, the Central Police Office, is situated in Peshawar with a strength of about 8,000.

KP Police, at present, comprises ten field and auxiliary units:

- Investigating Wing (3,000 - responsible for criminal investigation management)
- Telecommunications Unit
- Project Coordination Unit
- Police Training College, Hangu
- Forensic Science Laboratory (FSL - provides scientific reports on crime and evidence in criminal cases)
- Traffic Police
- Frontier Reserve Police (10,000)
- Elite Force (6,000) for high risk security operations and counter-terrorism

^{18a} *Khyber Pakhtunkhwa armours police vehicles*", Central Asia Online http://centralasiaonline.com/en_GB/articles/caii/features/pakistan/main/2014/07/21/feature-01

¹⁹ KP IGP Office

²⁰ KP Government - official website <http://www.khyberpakhtunkhwa.gov.pk/aboutus/>

- Special Branch and Directorate of Counter-Terrorism (for terrorism and militancy related research and analysis.²¹)
- With the formation of the Special Anti-Terrorism Force and Special Prisons Force in October 2013, another two Police Forces have been introduced in KP, where a number of uniformed forces, including the Army, the Federal Investigation Agency (FIA), the Anti-Narcotics Force, and the Excise Police Force, already operate.
- The Frontier Constabulary and Frontier Corps do not come under the KP Police and are governed under the federal government.
- On November 28, 2013, the KP government renamed the Directorate of Counter-Terrorism (DCT) of the Police Department, the Counter-Terrorism Department (CTD)²² with 2,200 staff, and with an expanded mandate, including intelligence collection, surveillance and monitoring, registration of terrorism cases, investigation of Anti-Terrorism Act (ATA) cases, arrest and detention, and research and analysis.

There are 265 Police Stations in all the Districts of Khyber Pakhtunkhwa. Currently the Police Order 2002 governs the general police service structure.

Comparative Crime Analysis²³

The data revealed in a recent Performance Audit report shows the emerging achievements of the KP police force. It might be too early to evaluate the results, but the positive and downward graph of crime in the province speaks to the progressive trends in the KP police department and their new initiatives.

Law and Order in KP (2012-2014)²⁴

According to the data provided in the report, there has been a

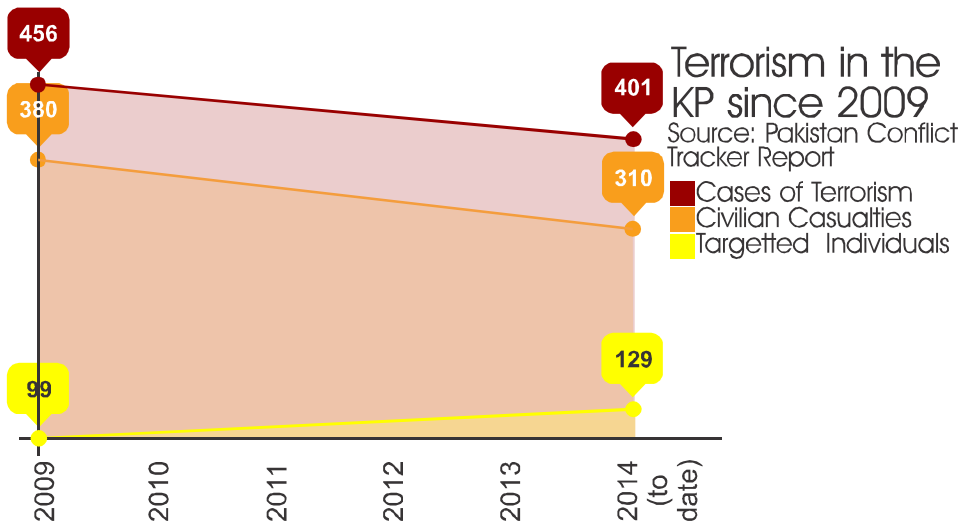
²¹KP Police - official website

²²"KP Police turning into a role model after achieving notable successes", The News <http://www.thenews.com.pk/Todays-News-2-237300-KP-Police-turning-into-a-role-model-after-achieving-notable-successes>

²³KP IGP Office

²⁴KP IGP Office

substantial reduction in improvised explosive device (IED) and vehicle-borne IED (VBIED) blasts as well as suicide attacks, marking an overall decrease in terrorist attacks. The total number of these attacks dropped from 456 in July 2012-June 2013, to 401 in July 2013-June 2014, a 12% decrease. A staggering 68% decrease in suicide attacks has brought down the number from 25 to 8. VBIED blasts have come down from 7 to 5. Similarly, a 26% decrease in IED blasts was noted in the report – 84 less than the 321 incidents recorded between July 2012-June 2013.



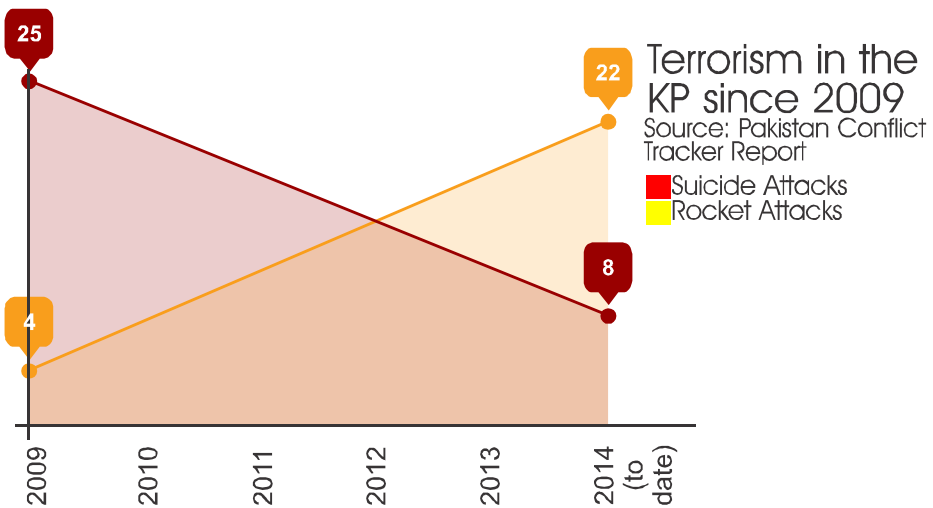
Terror Cases in KP	July 2012 - June 2013	July 2013 - June 2014
Cases of Terrorism	456	401
Suicide Attacks	25	8
Civilian Casualties	380	310
Rocket Attacks	4	22
Targetted Individuals	99	129

With fewer attacks, the province lost fewer lives. An 18.4% decline was noted in civilian casualties. At least 380 people died in terrorist attacks in the last 12-month period in comparison to 310 from July 2013 to June 2014. Likewise, the number of police personnel who lost their lives also declined by 4.6%. Unfortunately, the same comparison cannot be drawn

for army personnel, more of whom died in the July 2013-June 2014 period in terrorist incidents in the province. The primary cause behind the increase is said to be the attack on the army convoy in Bannu, in which 20 soldiers lost their lives.

While the data showed that the police death toll was lower, more of them were killed in targeted attacks. Targeted attacks on individuals, including police personnel, went up from 99 to 129, a nearly 30.3% increase. “As the security in Peshawar and KP increased, the police force became more vulnerable to terrorists,” said the KP IGP Nasir Durrani in an interview on July 24, 2014.

In terms of convictions in the province, from July 2013 to June 2014, the KP police force was able to successfully thwart 77 terrorist attacks and arrest 260 alleged terrorists. Furthermore, 77 alleged terrorists were killed in police encounters. In the reported 12-month period, the provincial police solved 78 cases of extortion, in which 145 extortionists were arrested. Similarly, the police were also able to secure convictions for 109 accused terrorists.



Structural and Administrative Challenges

- Corruption within the system
- Politicization
- Poor complaint registration management
- Lack of security equipment and carelessness. The KP police force has a number of vehicles but no explosive tracking devices or jammer facilities to avert the remote control bomb attacks on police patrolling mobiles. The police have not a single bullet-proof vehicle to patrol the most sensitive areas like Mattni, Badhaber, Regi and Chamkani, and thus are vulnerable to terrorist attacks.
- Police are not following the security tips as adopted by the Army soldiers. In case of an incident, police personnel gather in large numbers at the blast site, without backup security for the group.
- Low number of armoured personnel carriers (APCs). The KP police force has 7 APCs used for patrolling and operations, and 2 bullet-proof cars for senior officers.
- An acute shortage of senior police officers. According to the Police Order 2002, a District Police Officer must be a grade-19 SSP or at least a Superintendent of Police (SP) in grade-18. The SP Investigation in any district must be a grade-18 SP. However, the province has only 6 officers in grade-18, posted as SPs of Investigation in the districts. The rest of the posts are filled by junior grade-17 Deputy Superintendents of Police (DSPs)²⁵.
- Lack of coordination between various entities
- Multiple laws governing the police force
- Lack of information outside the given territory of jurisdiction
- No access to live data and call facilities
- Low pay scales and inadequate incentives for police personnel

²⁵"KP police faced with shortage of senior officers", The News , <http://www.thenews.com.pk/Todays-News-7-245088-KP-police-faced-with-shortage-of-senior-officers>

- Lack of witness protection measures (witnesses refuse as they fear for their lives)
- Capacity and training deficits
- Lack of public interaction and management skills
- Expensive criminal justice system
- Lack of training, especially psychological and attitudinal training
- Political appointments, transfers and promotions
- Porous Afghan border, resulting in law enforcement complications

Progress in KP Police Force

- As everywhere else, corruption is rampant in the KP police force too, thus, committees of Regional Police Officers (RPOs) and District Police Officers (DPOs) have been constituted to identify and take departmental action against corrupt personnel. So far, 426 personnel have been dismissed/removed from service and 48 were reverted on charges of corruption and high-handedness.²⁶
- The introduction of Online FIRs in 2013 was a powerful and welcome initiative taken by the KP government. This serves as an effective tool in combating endemic corruption, political pressure, and in facilitating people, regardless of their gender and socio-economic background, to register their complaints.
- Establishment of a Police Assistance Line to bridge the gap between the police and the public. This serves as a facilitation centre for character certificate verifications and similar legal requirements, and saves people from going to the police stations in person.
- In order to curb terrorism, the KP government has introduced three legislative Ordinances on the request of the police force:
 - “The Khyber Pakhtunkhwa Restriction of Rented Buildings

²⁶CRSS interviews 2014

Ordinance 2014" has made it mandatory for every landlord and hostel owner to verify the credentials of his/her tenant, execute a rental agreement, provide complete details of their tenants to the police as per the prescribed forms, and seek guarantees for their tenants from two notables/respected members of society

- "The Khyber Pakhtunkhwa Hotel Restriction (Security) Ordinance 2014" requires all hotel owners to register themselves with the police, verify the CNICs of their guests through NADRA's Verisystem, maintain their records/credentials, and update the police on a daily basis.
- "The Khyber Pakhtunkhwa Sensitive and Vulnerable Establishments and Places (Security) Ordinance 2014" has been promulgated to ensure the safety and security of sensitive and vulnerable places at risk. This law requires all private and government institutions to ensure, at their own expense, proper security arrangements for their premises.
- The KP Police and the National Testing Service (NTS) have completed the first ever transparent and outsourced process for the recruitment of constables in the police department.²⁷ The entire process was completed in a two-and-a-half month period. It is important to mention here that it is the first time in Pakistan's history that a police force has undertaken recruitment through a specialized testing service. More than 37,000 candidates applied for just 1,500 vacancies through this new recruitment process. Through the NTS, 107 women candidates have also been able to qualify for the recruitment process. "A positive change in the police force and thana culture can only be brought by those officials who are recruited through a transparent and merit-based process," said IGP Nasir Khan Duranni.²⁸

²⁷"KP Police complete recruitment process through NTS", The News , <http://www.thenews.com.pk/Todays-News-2-262798-KP-Police-complete-recruitment-process-through-NTS>

²⁸"Reinforcements: Over 1,800 constables to be recruited after rigorous testing", Express Tribune <http://tribune.com.pk/story/737545/reinforcements-over-1800-constables-to-be-recruited-after-rigorous-testing/>

- Dispute Resolution Councils (DRCs) comprising 21 members per district, have been set up. A three-member sub-committee, nominated by these DRCs, comprising civil society members, retired judges, military and police officials, professors and bureaucrats will sit in their respective police stations, in a designated room, to facilitate alternate dispute resolution. This will serve as the first stage for settlement and reconciliation in case of disputes that come to the police. If there is no agreement to a mutually acceptable solution, the council will then undertake fact-finding and report back to the police, after which police investigation and interrogation will take place in the ADR members' presence.
- Bomb Disposal units, which were previously located only in Peshawar, have now been established at district level too. Each unit comprises 13 police personnel and is resourced with basic explosives detection equipment.
- Elite Force training has been made a pre-condition for promotion of all police ranks.
- Vehicle Verification System (VVS) has been introduced to maintain vehicles' records by linking the cellphone SIMs of duty police personnel with the Excise Department. 400 such vehicle verification SIMs have been distributed amongst the police force in all KP districts.
- A Special Combat Unit with a strength of 150 police personnel was established in May 2014²⁹ for handling extraordinary hostage situations. The unit is receiving training in counter-terrorism tactics, combat manoeuvres, use of modern equipment and weapons, paratrooper and amphibious operations.
- On 17th March 2014, the KP Chief Minister (CM), Mr. Pervez Khattak announced a raise in the salaries of the provincial police force. Emphasizing that hundreds of police personnel

²⁹"Khyber Pakhtunkhwa establishes Special Combat Unit", Central Asia https://www.google.com/search?q=onlinehttp%3A%2F%2Fcentralasiaonline.com%2Fen_GB%2Farticles%2Fcaii%2Ffeatures%2Fpakistan%2Fmain%2F2014%2F05%2F22%2Ffeature-01FirefoxHTML%5CShell%5COpen%5CCommand&ie=utf-8&oe=utf-8

had sacrificed their lives for the security of the people, he announced incentives and measures for improvements in the KP police force.

- 15 villages in critical areas at high risk, have been geo-tagged and all members of the resident families above 14 years of age are being documented.
- Facing the high cost of bullet-proof vehicles and the financial constraints on the provincial government, the KP police force decided to fortify its operational vehicles by installing steel sheets, following the army's example. Installing locally manufactured steel plates in a police patrol car costs less than Rs. 100,000 (around US\$1,000), whereas complete regular bullet-proofing costs between Rs. 7m to 10m (around US\$70,800 to \$102,000) per vehicle.
- Introduction of Corporate Leadership Style in KP police force. Junior police personnel benefit from the new two-way communication facility, enabling constant access to the IGP, lodging complaints through mobile cellphone SMS to officers at the upper hierarchy, and share concerns that are hampering routine operations. "Gone are the days when the officers of the police force used to adopt a bureaucratic approach. Now you have to adopt the policy of the corporate leaders to bring the junior cops into the mainstream."³⁰
- Induction of women in the KP police force. There are about 300 women³¹ serving in the KP police force, and further recruitment is being encouraged.
- A Mobile Forensic Unit (MFU) has been developed in 2014 in Peshawar,³² with the assistance of the UK Department for International Development's Aitebaar programme. This MFU will support the investigative functions of the University

³⁰"KP Police has changed: officers", The News <http://www.thenews.com.pk/Todays-News-7-248964-KP-police-has-changed-officers>

³¹KP Police - official website <http://kppolice.gov.pk/initiatives/>

³²"KP Police launches Mobile Forensic Unit", Daily Times <http://www.dailytimes.com.pk/national/21-May-2014/kp-police-launches-mobile-forensic-unit>

Town, Faqirabad and Gulbahar Model Police Stations.

- Khyber Pakhtunkhwa has approved a sum of Rs.30m for the procurement of 1,500 ballistic helmets for the police department.³³ The police had requested the government to provide such helmets, in order to secure the lives of the law enforcers in the wake of growing targeted attacks on them in the province.
- The KP police is the first police force in Pakistan to establish specialised training institutes. The School of Investigation was established by the KP police, using its own resources in the shortest possible time, in June 2014 for capacity building, including crime scene preservation, evidence collection, evidence preservation as per the modern day best practices, cellular forensics, geo-tagging and geo-fencing for planning crime control, preparation of case files and interview/interrogation techniques, keeping in view the diverse forms of KP's security threats and challenges.³⁴
- The new School of Intelligence in Abbottabad is another achievement in this process. The Bomb Disposal School, School of Traffic Management, Police Training College (in Swabi) and the Police Training College (in Malakand) are next on the agenda of the KP police force.
- A Public Intelligence Network (PIN) is being established for intelligence-led policing. It will be a multi-channel system where a citizen can anonymously contact the police authorities and report suspicious activities in the neighbourhood.
- Interviews for police recruitments have been converted into a psychological testing process.
- Police promotions have been outsourced to the Educational Testing and Evaluation Agency (ETEA).

³⁴ⁿ"A state of art School of Investigation for KPK Police inaugurated", KPK News

³³ⁿ"1,500 ballistic helmets approved for KP police", The Peninsula <http://thepeninsulaqatar.com/news/pakistan/afghanistan/292500/1-500-ballistic-helmets-approved-for-kp-police>

Overview of Balochistan Police

There are two different systems of police administration in Balochistan: the regular Police (in the “A” areas) and the Levies (in the “B” areas). The police force functions in the urban centres/towns, which are around 5% of the territory, while the Levies function in the rural areas comprising 95% of the area of the province.

Due to the ongoing insurgency and the deteriorating law and order situation, the former military government brought in the Frontier Corps, and gave them extensive, expanded policing powers, and deployed them in Quetta, the provincial capital as well as to patrol the major highways. Successive civilian governments have continued this practice, which is abhorred by the residents for many reasons, as documented in successive fact-finding mission reports on the Balochistan situation, by the respected Human Rights Commission of Pakistan.

During President Gen. Musharraf’s nine-year regime, the Levies were disbanded and absorbed into the regular police force, after abolishing the “B” Areas in 2003, at a cost of Rs. 5.5 billion. The Levies force was disbanded in different phases in four years. The reasoning of Gen. Musharraf was that unless the Levies, comprising local tribes people, were disbanded, the Baloch tribal chieftains (particularly the Marri, Bugti and Mengal tribes), could not be brought under state control.

However, the civilian political coalition government, established in the wake of the general elections of 2008, decided to restore the Levies through a unanimous resolution in the Balochistan Assembly April 2010. So the tribal “police force” set up by the British colonials in 1867, has been restored once again.

Under the 2010 Levies Force Act, the levies, besides regular policing, work to prevent crime and combat terrorism in the designated B areas. The force has its own investigative wing and its personnel can produce the accused before the courts after interrogating/investigating them under the CrPC. The Levies have been empowered under the law to enter into the A (urban) areas in hot pursuit, and carry out raids for the

purpose of arresting the accused or proclaimed offenders. The Levies operate with a small investigative wing in each district.

The Deputy Commissioner, as the administrative head in each district, heads the Levies force on behalf of the government through the Home and Tribal Affairs Department. Currently, there are two Levies forces, one provincial and the other federal. The strength of the Federal Levies is 3,558 and they are deployed in 16 out of 32 districts mostly in northern areas of Balochistan, and their salaries and funds are provided by the federal government. The sanctioned strength of the provincial Levies is 12,877, with 146 Levies Stations.

In 2010, the then PPP-led coalition government introduced the Executive Magistracy system in Balochistan, through amendments in the 1898 Criminal Procedure Code (CrPC). It was invested with judicial powers to conduct trials and impose punishments, in order to address the governance issues. But even before it was enforced in the province, the Balochistan High Court declared it null and void. The government of Balochistan appealed the BHC judgement in the Supreme Court of Pakistan in 2011, where the case is pending.

The regular Balochistan police force operates under The Balochistan Police Act 2011, which the provincial government introduced after repealing the Police Order 2002, to reconstruct and regulate the police. However, the Police Rules 1934 still administer its working and functions that are based on the 1861 Police Act.

Under the 2002 Police Order, the police was supposed to be an independent force and to act under the direction of the provincial government. It would be answerable and accountable to the public through various tiers of Provincial and District Safety Commissions, including members of civil society. However, now, under the Police Act of 2011, it has once again become subservient to the Provincial Home Department, as it was before the 2002 Police order.

The police force has two main wings: the district police and the Balochistan Constabulary. Both wings work under the command of the provincial Inspector-General of Police, who operates under the directions of the Chief Minister, through the Home and Tribal Affairs

department. These two wings have several branches which include:

- Anti-Terrorist Force (ATF)
- Rapid Response Group (RRG)
- Crime Investigation Department (CID)
- Special Branch
- Crime Branch
- Balochistan Highway Police
- Traffic Police
- Operations Department
- Telecommunications Department
- Motor Transport Department and Driver Training School

These departments have their own administrative structures and they operate under the command of the IGP through senior officials of the rank of Deputy–Inspector-General of Police. The District police force is headed by the District Police Officers (DPOs) under the command of the Regional Police Officers (RPOs) in the ranges, with the rank of DIGs.

The Balochistan Constabulary (BC) is stationed in different regions and districts to provide an additional backup to the district police force. The BC is also deployed temporarily as an auxiliary force in the interior of the province to protect installations or to maintain law and order after conducting operations through the regular or special police forces in particular rural regions, including B areas.

Operational Strength³⁵

The Balochistan police force has a sanctioned strength of 38,563 including 7,902 officers for an estimated urban population of around 3.5 million, with an area of responsibility of 14,261 square kilometres (10% of the total area of the province), as compared to 12,877 Levies force for an estimated population of around 3 million, with an area of responsibility of 332,929 square kilometres. A policeman is available for every half kilometre and 213 persons in the urban areas, as compared to one member of the Levies for every 21 kilometres and 191 persons.

³⁵Balochistan Police Department

Excluding Quetta, which has 5,090 police personnel, the strength of the regular police force, by region, is as follows:

• Southern Gwader Region:	1,806
• Central Khuzdar Region:	3,213
• Northern Loralai Region:	1,548
• Western Noshki Region:	1,360
• Eastern Sibi Region:	6,324
• Northern Zhob Region:	2,726
• Balochistan Constabulary (BC):	10,204
• Highways Police:	201
• Criminal Investigation Department (CID):	161
• Special Branch (SB):	674
• Crime Branch (CB):	132
• Police Training College (PTC):	211
• Anti-Terrorist Force (ATF):	874
• Investigation Branch (IB):	02
• Traffic Police:	310
• Telecommunications:	1,318
• Motor Transport (MT):	106
• Provincial Control Room (PCR):	11
• Campus Peace Force (CPF):	318
• Drivers' Training School (DTS):	21
• Women Police Force:	165
• Executive Staff:	7,902
• Ministerial Staff:	3,834

Principal Laws Governing and Administering Balochistan Police

The Balochistan police force also follows the major laws, including the Criminal Procedure Code (CrPC), Pakistan Penal Code (PPC), Anti-Terrorism Act (ATA), Protection of Pakistan Act (PoPA), Qanun-e-Shahadat Order 1984, Code of Civil Procedure 1908, as well as local and special laws like the Telegraph Act, Arms Ordinance, Motor Vehicle Ordinance, Control of Narcotics Substances Act 1997, Drugs Prohibition

Act, Police Act, Balochistan Safety Act, Family Laws, Women Protection Act, and others.

Comparative Crime Analysis Data³⁶

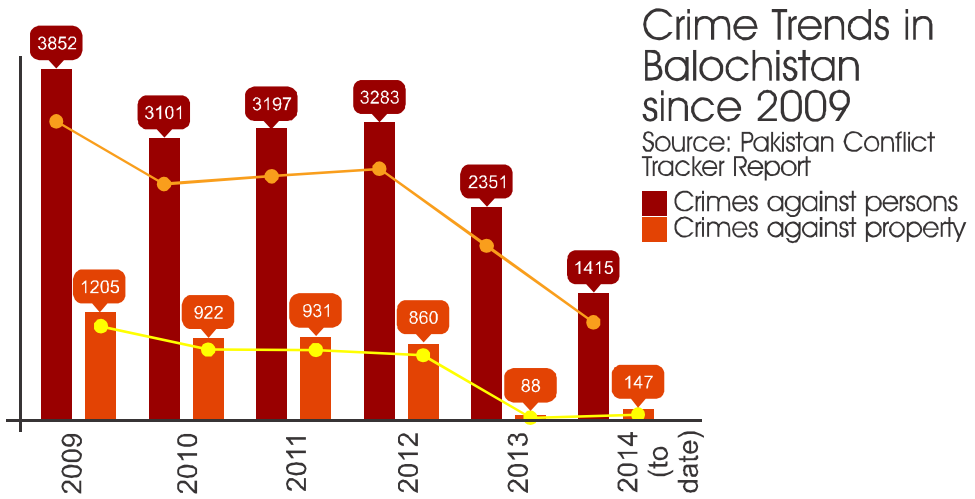
The data presented below ranges from 2001 to 2014. There were 1,487 incidents of terrorism and sectarianism recorded during the past four years in the province of Balochistan, in which 1,663 persons, including 199 FC personnel, 168 police personnel and 13 Levies were killed and 3,854 were injured.

Balochistan Province	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014 up to June
Crime Against Persons	2156	2539	3054	3258	3862	3852	3101	3197	3283	2351	1415
Crime Against Property	763	877	984	1112	1229	1205	922	931	860	88	147
Vehicle Theft/Snatched	297	437	631	617	1055	1217	826	762	991	864	409
Accidents	475	487	556	514	482	391	331	335	301	325	158
Bomb Blast	97	104	237	343	345	481	302	193	159	255	131
Rocket Firing	31	26	48	53	44	72	59	37	37	58	14
Mobile Phone Theft/Snatched	nil	nil	nil	69	66	48	48	33	27	43	21
Miscellaneous	797	919	1018	1165	1204	1121	968	842	773	967	546
Other Local & Special Law	1474	1582	1617	2024	1951	2062	1451	1764	1800	573	229
Total	6092	6971	8145	9155	10239	10449	8008	8094	8231	5524	3070

489 incidents were reported in 2009 in which 371 persons including police/FC/Levies personnel were killed, while another 1,022 received injuries. In 2010, there were 409 incidents in which 445 were killed and 1,202 injured. In 2011, 356 incidents occurred, resulting in 498 killed and 894 injured, while in 2012, 235 incidents resulted in 358 killed and 740 injured.

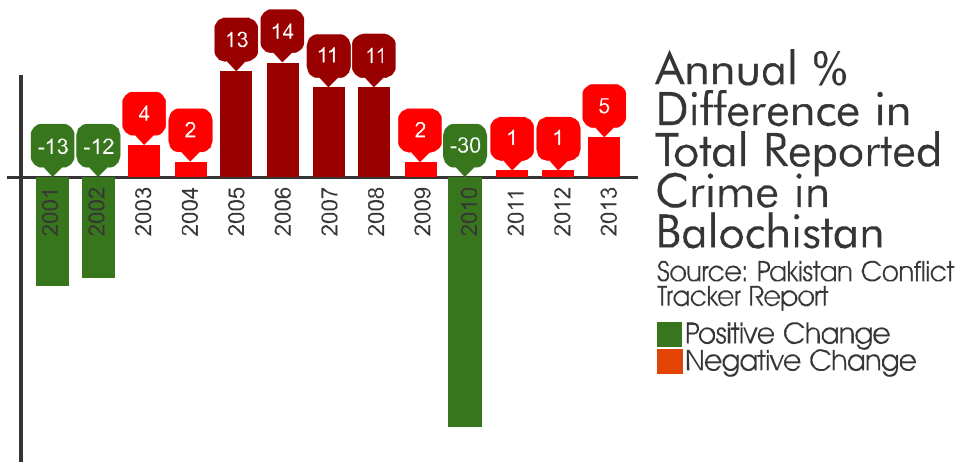
3,852 crimes against persons were reported in 2009, 3,101 in 2010, 3,197 in 2011, 3,283 in 2012, and 2,351 in 2013. The reported crimes against property were 1,205 in 2009, 922 in 2010, 931 in 2011, 860 in 2012, and 88 in 2013. The highest number of incidents of bomb blasts was 481, reported in 2009, and 302 in 2010, 193 in 2011, 159 in 2012 and 255 in 2013. 72 incidents of rocket attacks on government installations were reported during 2009, 57 in 2010, 37 in 2011, 37 in 2012 and 58 in 2013.

³⁶Balochistan Police, and Home Department



The total reported crime in Balochistan presents some interesting statistical information.

Total Reported Crime (Balochistan)- 2001 to 2013 (as on 02/1/2014)			
Year	Crime	Difference from previous year	% change
2001	6476	-870	-13
2002	5763	-713	-12
2003	6003	240	4
2004	6092	89	2
2005	6971	879	13
2006	8145	1174	14
2007	9155	1010	11
2008	10239	1084	11%
2009	10449	210	2%
2010	8008	-2441	-30%
2011	8094	86	1%
2012	8231	107	1%
2013	8717	486	5%



Structural, Logistical and Administrative Problems³⁷

A number of senior retired and serving police officers, including those who spoke on the condition of anonymity, were interviewed by the CRSS team. They declared the political and military interference as the biggest hurdle in enforcement of the Rule of Law in Balochistan.

The civil bureaucracy, particularly in Balochistan, does not want to see the police as an independent force. For example, the government restored the out-dated Levies force in 2010, which had been absorbed into the regular police force since 2003. They said that the police force cannot be effective by having power and jurisdiction in only 5% area in the province, while the tribal chiefs and notables with political power and clout want to see the police play second fiddle to them, like the Levies force does. They believe that the previous PPP-led coalition government in the province really wreaked havoc with the administrative machinery, practically placing the police officers and administrative officials at the disposal of loyalist legislators, politicians and ministers.

According to these senior officers, the police force is now unable to take any action against tribal chieftains or notables if required by the law, but when the Frontier Corps supports the police force, it is able to take

³⁷CRSS interviews, 2014

action.. They believe that the police officers, appointed in Balochistan, but belonging to other provinces, have an edge on the local officers, as the former are able to take bold actions and administrative decisions while the latter have to think ten times before taking any action against influential individuals with political power. They lament that they did not have too many force commanders (IGPs) who stood up against political and military interference, and for making the police an effective force or for establishing the rule of law. However, they feel that the post-2013 elections coalition government of Dr. Abdul Malik Baloch (of the NP) is now empowering the IGP regarding the postings and transfers of police officers, besides extending cooperation in routine administration.

A few of these interviewees believe that police personnel have become the target of Baloch separatists because of the role of the civil and para/military intelligence agencies in the notorious Missing Persons cases. These agencies allegedly abducted hundreds or even thousands of individuals, allegedly wanted in attacks on security forces or bomb blasts, and after keeping them in illegal custody for extended periods of time (running into years in many cases), handed them over to the police force, with allegedly planted evidence for producing the suspects in court. Thus, the police force became the scapegoat for the intelligence agencies' deeds.

However, in some incidents, the police personnel had to become eyewitnesses in the Supreme Court, recounting incidents of the agencies or security personnel whisking away civilians, who then became Missing Persons. This has put the police personnel at very high risk.

These officers were unanimous in their views that the Police Order 2002 was the best law to regulate the police, but because of the conspiracies of the bureaucracy, it was replaced by the Police Act 2011 in Balochistan. The repealed Police Order was a comprehensive code in which the police force operated independently, with full powers but still being accountable to the public through various tiers of Public Safety Commissions and Police Complaint Commissions. They complained against placing the police as subordinates to the provincial Home Department in administrative matters, under the Police Act 2011. This

erodes the IGP's authority and badly affects police performance. Under the present system, the police force has become an effective tool in the hands of governments who use the force for their political ends, just as they do with the Levies force.

However, they appear satisfied with the conduct of the present coalition government, as well as the previous ones, in term of the provision of equipment, weapons, vehicles, communications tools, and special training for counter-terrorism from the army. They agree that the police chief now exercises his powers in postings and transfers to achieve the best results, thus also improving the morale of the police personnel.

Regarding the slow progress in the sectarian-violence-related cases (e.g. the repeated incidents of targeted Hazara Shia killings), these police officers attribute it to the weak judicial system. The police force has lost 22, including senior police officers, because of the erroneous prosecution system. After the loss of these officers, they point out, no one can dare to go after the culprits involved in terrorism, particularly sectarian-related incidents. According to them it is an uphill task to eradicate terrorism, as drastic changes are needed in the judicial system in order to provide protection to judges, prosecutors, police, witnesses, their family members, and even jail staff.

They concede that the constable cadre of the police force has been infiltrated by sectarian elements who have been helping the Lashkar-e-Jhangvi (LeJ) activists, considering it a duty of their faith, but that seriously hinders police performance and puts police lives at high risk. They say that they have to rely on intelligence agencies, which have communication gadgets for monitoring the phones calls, GSM locators, and Call Details Records (CDR) for tracking down the culprits involved in sectarian violence.

They expressed their views that the police are trained for normal crime detection, not counter-terrorism, and the police force also faces difficulties in term of facilities like IT-related equipment and sniffer dogs. They also need to be trained in counter-terrorism measures.

Key Issues

1. Interference by politicians and intelligence agencies in the postings and transfers of police officers and using influence regarding interrogations and investigations of the accused in criminal cases.
2. The police force has become subordinate to the Home and Tribal Affairs Department, instead of being independent.
3. Absence of tenure-based postings and transfers policy, especially for police personnel working in the field.
4. Lack of proper equipment, training, forensic labs, etc.
5. Absence of independent bodies such as Public Safety Commissions to make the police accountable to and cooperate with the public.
6. Limited role of the regular police force in Balochistan, functioning only in 5% of the area (urban centres).
7. Misuse of the police by various security agencies as a tool and scapegoat in connection with the Baloch Missing Persons issue.
8. Lack of progress in sectarian-related terrorism cases because of the weak judicial and erroneous prosecution system, and lack of protection for witnesses, judges, prosecution and police.

Case Study³⁸

A senior police officer, on condition of anonymity, referred to an incident that took place on 21st January 2014, during a raid at a residence in Kalat Street on Sariab Road in the heart of Quetta city. The three members of an abductors' gang belonging to Jaish-e-Islam, an arm of the banned group Lashkar-e-Jhangvi, were killed, along with a Hindu abducted, in a police action. These terrorists were living, along with their families, for the last three years in the same house, where they also kept many famous personalities kidnapped for ransom, including Ms. Nilofer Abadan, a Parsi businesswoman (whose husband was also kidnapped),

³⁸CRSS interviews, 2014

and medical doctors and businesspeople.

The newspapers reported the incident as an ordinary police action against a gang of abductors. While police officers portray these abductors as diehard terrorists and members of Jaish-e-Islam. While pointing out the lack of training and mistakes on the part of the police personnel involved in this action, the source said that the police party was in search of a cellphone number on the GSM locator equipment, but by accident it found another number on the locator and its signals led the police personnel to a house. The police force, including the ATF, were called in and they surrounded the location, but armed men perched on top of the house opened fire on the police. The exchange of fire lasted for two and half hours, and resulted in the killing of all three terrorists, who also killed their abducted, a Hindu businessman.

The police officer said that the mobile SIMs, computers and CDs recovered from the terrorists' possession must carry a lot of valuable information about the JeI, LeJ and their activists, but all had been handed over to intelligence agencies, which never share any findings with the police force. He said that the police party would not have arrested anyone, even if they had the chance, because police have no security cordoned area in their police stations to confine such dangerous terrorists, and no police officer would put his and his family members' lives in danger by interrogating them. He said that if the police force is provided with equipment and modern gadgets, it could track down the culprits involved in such high profile cases. He believed that even the high profile prisoners involved in sectarian killings are enjoying most facilities illegally, because the clout of banned organizations like the LeJ and SSP, which still exercise huge clout with the authorities.

When asked about applying the Punjab police's infamous method of "fake encounters" in dealing with the sectarian issue, he said firstly that it is illegal and secondly that the Balochistan police is not capable of doing that in such a secret manner. He said that such prisoners should be kept in high-security prisons with a complete ban on their visitors. He said that a less professional and weak police force is at war with highly trained, equipped and ideologically diehard elements, determined to die

on the basis of their faith, after being brainwashed.

Analysis

The Balochistan Police and Levies forces currently face a number of problems and lack resources, training facilities, modern equipment, communications gadgets, training and exposure courses, and exchange visits, as compared to the police forces in other provinces. The police cannot be compared with the Levies, which were set up under the British colonial policy of buying the loyalties of local tribal chieftains for achieving their goals in the subcontinent,.

Since the Levies force comprises tribesmen whose services are not transferable even from their respective districts to neighbouring ones, these tribesmen establish the writ of the government through their tribal influence. There was no training offered, except for an initial training course at the time of recruitment. After the restoration of the Levies force in 2010, new intelligence and investigative wings have been set up, but both units can prove their performance mettle if their capacity is enhanced with specialized training.

Before 2003, people living in the “B” areas used to resolve their disputes in accordance with tribal customs and traditions, and the ratio of court settlements of disputes was very small. The ratio of complaints about the behaviour of the police towards the public as compared to the Levies is high, but it is lower than that in other provinces.

In Balochistan, both the police and the Levies personnel are easily accessible to the public. To some extent, police performance is satisfactory in detecting the normal crimes, but not in terrorism- and sectarianism-related cases. The police force has lost 22 of its personnel and many more were injured or disabled in sectarianism-related terrorism, that has a huge negative impact on the overall morale of the police force.

No police personnel dare act against the culprits, even if they have knowledge about them and their activities. The police force, particularly in Quetta city, has been reportedly infiltrated by banned sectarian and

extremist terrorist organizations, and dozens of its personnel have been arrested for leaking operational or investigative information to these organizations; for being involved in targeted killings on sectarian basis; or for transporting and providing safe passage to would-be suicide bombers/terrorists through the security check posts. Most of the police personnel killed, have lost their lives because of such radical elements present in the police force.

Unless the new avenues of progress and development are opened in the tribal areas through education and training, the people living in these areas will continue to resist any government move to convert the Levies into the regular police force. Until such time, the government should modernize the Levies by providing them more training facilities, equipment and scientific knowledge that is available to the police force. There is also a clear need to bring changes in the LEAs' recruitment policy and all recruits should get trained at the Police Training College (PTC) besides being provided specialized training counter-terrorism. Once the Levies and the police match each other as fully equipped and highly trained forces, only then would it be easy for the government to absorb the Levies force into the police force, without any resistance.

The difficulties and risks of posting PSP officers from outside the province, due to the ongoing insurgency in Balochistan, have also added to the problems of the Balochistan police force. Due to this reason, there have been rapid promotions of local police personnel. It is now necessary to give a group of very capable senior/retired officers from the Police Service of Pakistan the task of devising a plan for revamping the entire Balochistan LEAs, in order to bring them at par with the other provinces, or even better. There is an urgent need to revise the recruitment policy of police officers, and this should be conducted through the Public Service Commission of Balochistan so that a young, energetic, educated and dedicated cadre is made available to serve the police force. The present Balochistan Police Act 2011 needs to be replaced by a revised version of the Police Order 2002, and making the police force accountable through Public Commissions.

Overview of Islamabad Capital Territory (ICT) Police

The Islamabad Capital Territory (ICT) police force came into existence on January 1, 1981 through a Presidential Order, to fulfil the need for a separate police force for the Federal Capital.

Principal Laws Governing ICT Police

The Police Act of 1861 is the law that still administers the Islamabad Capital Territory police force.

Structural and Operational Strength³⁹

The police force in Islamabad, comprising an area of 906 square kilometres, with an estimated population of around 2 million, has a strength of 9,632 Personnel. The police to public ratio, at 1:699, is nearly three times higher than 1:250, the police to public ratio recommended by the UN.

The Islamabad Capital Territory Police, is divided into 5 units:

1. Operations Division:3,147
2. Security Division:3,766
3. Logistics Division:1,808
4. Traffic Police:680
5. Special Branch:231⁴⁰

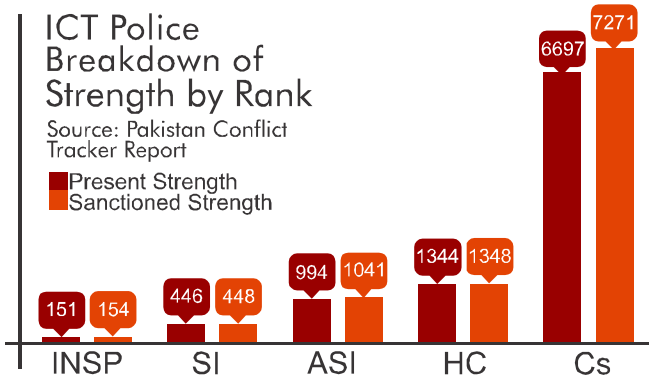
A detailed breakdown of the above figures is given in the table below:

ICT Police Breakdown of Strength by Departments													
Formations	Sanctioned Strength						Present Strength						Shortage/Excess
Division	INSP	SI	ASI	HC	Cs	Total	INSP	SI	ASI	HC	Cs	Total	Total
Traffic Division	23	120	258	128	156	685	17	94	240	119	210	680	-5
Special Branch/BD	6	11	18	35	134	204	8	18	25	39	141	231	27
Operations Division	56	144	307	450	2345	3302	58	136	264	453	2236	3147	-155
Logistics Division	16	30	67	133	830	1076	24	60	197	198	1329	1808	732
Security Division	53	143	391	602	3806	4995	44	138	268	535	2781	3766	-1229
Total	154	448	1041	1348	7271	10262	151	446	994	1344	6697	9632	-630

Note: CPO Order No-1935/E II Dated-13-02-10

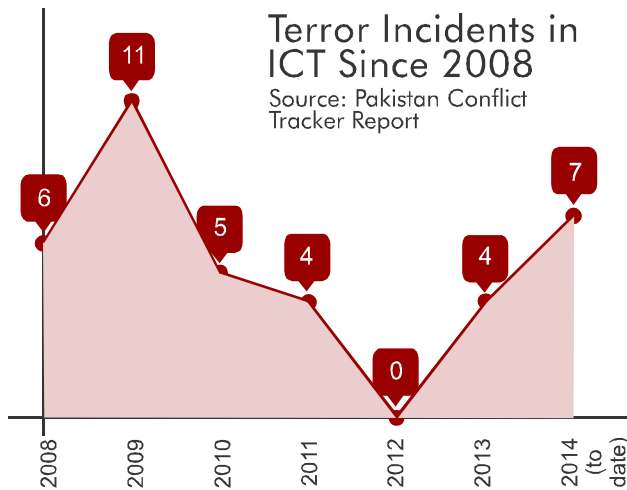
³⁹Source: AIG office

⁴⁰Source: Islamabad Police



Comparative Terrorism Analysis (since 2008)⁴¹

Comparative Terrorism Analysis in ICT							
Year	Incidents	Killed			Injured		
		Police/ LEAs	Civilians	Total	Police/ LEAs	Civilians	Total
2008	6	21	77	98	38	331	369
2009	11	15	16	31	25	45	70
2010	5	0	10	10	0	12	12
2011	4	0	3	3	0	4	4
2012	0	0	0	0	0	0	0
2013	4	0	5	5	0	5	5
2014	7	1	38	39	0	126	126
Total	37	37	149	186	63	523	586

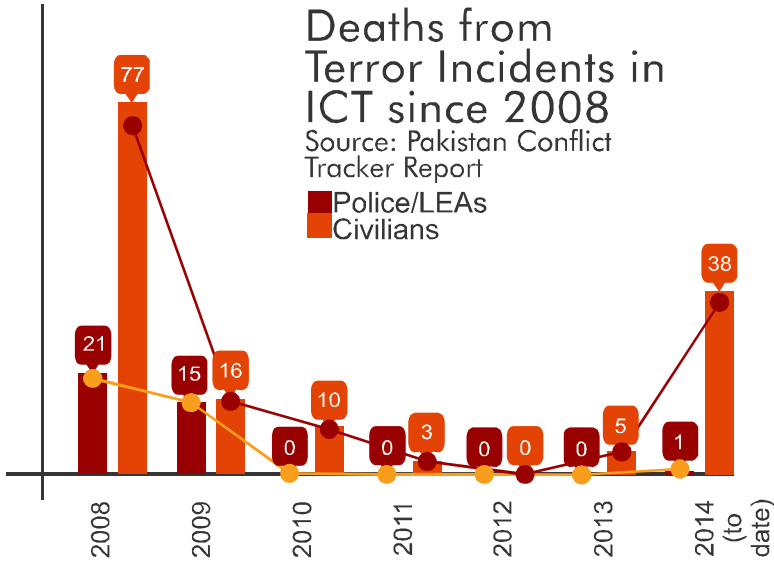


⁴¹AIG office, Islamabad

Deaths from Terror Incidents in ICT since 2008

Source: Pakistan Conflict Tracker Report

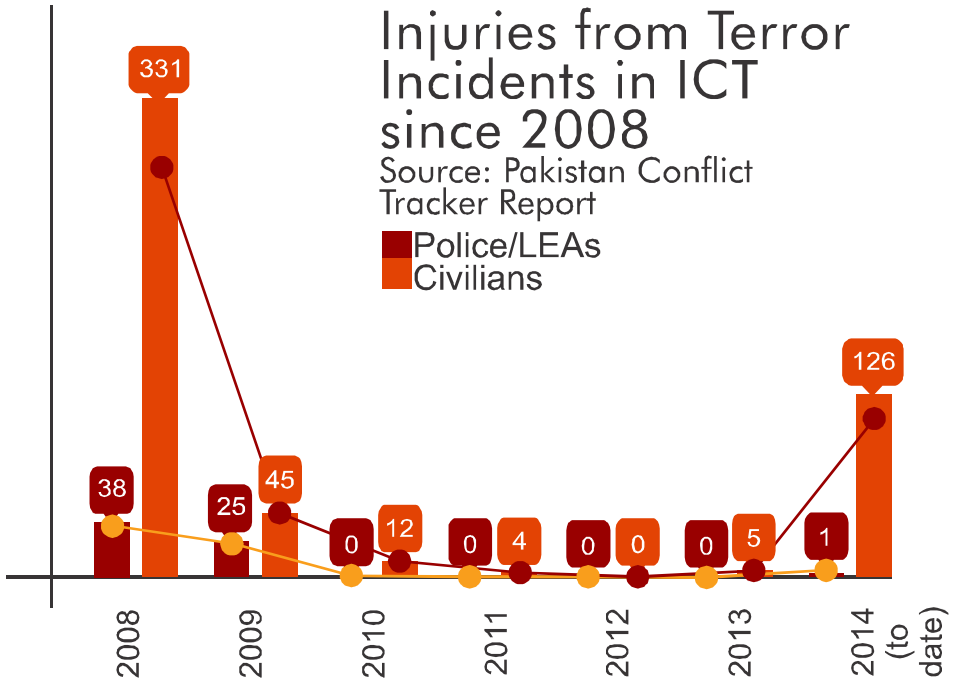
Police/LEAs
Civilians



Injuries from Terror Incidents in ICT since 2008

Source: Pakistan Conflict Tracker Report

Police/LEAs
Civilians



Security Deployment in Islamabad⁴²

Security deployment in Islamabad	
Aiwan-e-Sadr	496
Prime Minister House and Office	649
Diplomatic Enclave, Foreign Missions	463
Parliament House	66
Supreme Court, Federal High Court & Shariat Court	361
Pak Secretariat and Key Installations	563
VVIP Routes, Venues & Motorcades	348
Parliament Lodges	76
ATS Sec. Div	477
Miscellaneous	246
Foreign VVIPs/ VIPs & Delegations	as needed

Structural and Administrative Challenges⁴³

- Corruption
- Attitudinal issues
- Lack of training; police trained to face criminals not terrorists
- Poor service delivery
- Shortage of human power
- Lack of modern equipment, communications gadgets, surveillance tools, vehicles, arms and ammunition, protective clothing/accessories
- Difficulties being faced in the transportation of UTPs from Adiyala Jail (Rawalpindi) to courts in ICT (Islamabad)
- Outdated policing model, policies and law
- Police mandates are insufficiently funded
- Political influence and interference
- Fixed Daily Allowance not enhanced since 1st August 2012

Progress of ICT Police⁴⁴

- An intelligence wing has been established in July 2014 to

⁴² AIG office, Islamabad

⁴³ AIG office, Islamabad

⁴⁴ AIG office, Islamabad

train the police as per military standards. Some of the highly trained personnel from the Inter-Services Intelligence (ISI) and Military Intelligence (MI) are to serve as trainers in the wing.⁴⁵

- Rescue 15, the helpline of the Islamabad police force, was established to serve the people in cases of emergency. Free legal and medical emergency facilities are also being provided by this unit.⁴⁶
- Nine modern reporting rooms have been constructed in the Police Stations at Aabpara, Kohsar, Margalla, Ramna, Shalimar, Industrial Area, Bharakahu, Shehzad Town and Koral for public dealing and one-window facilitation.
- One Human Rights Officer has been posted at each of the 18 Police Stations in Islamabad. These officers are expected to promote community policing through community engagement, and by identifying and solving problems through police-public partnership.
- The Islamabad Capital Territory Police formed a “Professional Standards Unit”, as ordered by the Inspector General of Police, Islamabad to monitor the daily official activities of the ICT Police, in order to improve police performance and to change the rampant negative atmosphere of the Police Stations. This Unit operates directly under the administrative control of the Assistant Inspector-General of Police (Operations), Islamabad.

Recommendations for ICT Police Strengthening

1. Revamp the CID branch on the pattern of the CTD/Punjab
2. Start the Safe City project
3. Carry out recruitment against the vacant posts and create new posts

⁴⁵“Islamabad Police forms Intelligence Wing”, The Nation <http://nation.com.pk/national/08-Jul-2014/islamabad-police-forms-intelligence-wing>

⁴⁶“Panic alert system being introduced in Islamabad police”, The Nation <http://nation.com.pk/national/16-Jul-2014/panic-alert-system-being-introduced-in-islamabad-police>

4. Upgrade the Police Training School into a Police Training College
5. Provide refresher courses for all police cadres
6. Commence basic crime investigation courses
7. Provide ATS training on modern techniques
8. Make sufficient funds available for purchase of state-of-the-art equipment and assorted security equipment and protective gear
9. Establish a canine unit along with provision of sniffer dogs
10. Immediate provision of funds required for construction of 2,000 flats and directions to be issued to CDA/Islamabad for swift initiation and timely completion of the project to overcome the residential needs of police personnel
11. Upgrade the Police Dispensary into a full-fledged hospital
12. Revise and increase the “Shuhada” (martyrs) compensation package

Way Forward

1. An autonomous police system is the foremost solution towards overcoming the loopholes in the existing system.
2. Introducing reforms in the existing laws and the criminal justice system, to ensure the independence, authority and accountability of the police in all spheres of the service, is a starting point to establish the rule of law.
3. Pressure/influence-free registration of FIRs must be ensured. The cases should not be taken up for investigation until they can be reasonably tried in court.
4. All recruitments must be made on merit, without interference or pressure.
5. Advanced training should be conducted, to create a sense of accountability and responsibility.
6. The government should commence welfare projects for the police force, especially the junior ranks.
7. Steps need to be taken for effective community policing and police-public liaison committees.
8. Non-interference by politicians and wealthy elites is essential to help improve policing in Pakistan.
9. The FIR should not be considered more than the preliminary information about the commission of a cognizable offence. If required, it can be subsequently amended or added to.
10. The minimum salary standards for the police cadres should be increased and modelled on the pattern of the Motorways Police if the government expects the police to combat corruption within its ranks.
11. Better resources including technology, equipment and transport should be provided to the police in order to increase the system's capacity to combat organized crimes.
12. Improved human resources are essential to improve policing.
13. There is a need for increased use of e-technology and the internet by police personnel for investigative purposes as

well as for recording public complaints and their prompt redress.

14. Provision of modern equipment, scanners, metal detectors and communications gadgets for monitoring phone calls and GSM locators are essential prerequisites.
15. Improved working conditions, including proper buildings, provision of basic amenities, fixed working hours; eight-hour duty schedules, transportation, and improved board and lodging should be ensured, for an efficient, corruption-free police force. Basic pay scales need a thorough revision and up gradation.
16. Apart from strengthening the internal accountability mechanisms, the external overseeing and monitoring bodies, such as the Public Safety Commissions and the Police Complaint Cells should be established (or reactivated) and strengthened.
17. Public management skills should be ensured as part of the training of police personnel, to enable improved communication and to serve the public.
18. A special combined task force, consisting of various civilian and military law enforcement and intelligence agencies, should be established to ensure better and more effective coordination within the LEAs and to enable efficient tracking of high-profile criminals and terrorists.
19. Security of witnesses and judges should be provided to prevent delays and ensure just trials.
20. The LEAs, particularly those serving in conflict zones, must receive special financial and other incentives and privileges. A standardized service structure should be established, to eliminate the traditional rivalries and elitism within the various LEAs and allied entities..
21. A system of fixed tenures should be ensured. The posting of police officers should be for at least two years, unless solid reasons are provided for their removal or transfer.
22. The IGP and respective heads need to be fully empowered and authorized to carry out the appointments, postings and

transfers of their teams, without political influence or pressure.

23. Civil society, particularly the media, need to highlight the flaws and gaps in the LEAs and the criminal justice system, and to propose measures for dealing with the complex law and order problems.
24. Very importantly, there is a pressing need to enhance the minimum qualification for LEAs' recruitments from Matriculation to Graduation.
25. Selection for training should not be treated as an appointment. Instead, successful completion of training should be made part of the basic criteria for appointments.
26. The basic training period should be increased from six months for Constables and one year for ASIs to one year and two years, respectively.
27. Specialization in various branches of the police force must become the future model for the LEAs. Human resources in branches like investigations, medico-legal procedures, forensics, IT, and others, should be highly qualified and professional and possessing special aptitude.
28. Non-registration of the FIR at a Police Station must be made a cognizable and punishable offence.
29. A law should be introduced to check false FIR registration and action must be initiated against those who lie (in most cases the complainant). This will help to check registration of false cases.
30. The FIR should not be the initial basis for arrest and prosecution, but the investigation report under Section 173 should be the main document to proceed against the accused in the court.
31. Introduce community policing through highly reputed personnel, who have the aptitude and have received specialized training.
32. High level of training standards and a periodic training plan must be introduced to enhance the skills of the police personnel, to help achieve the set standards.

33. Specialized training must be provided for all categories and cadres of LEAs in counter-terrorism, investigation, case detection, security of installations, especially in sensitive areas.
34. All LEAs need training courses, exchange visits and exposure trips, in addition to basic law courses for their capacity building.
35. Women's participation must be encouraged and incentivized in the policing system in order to better serve the ignored women of Pakistan. There is an urgent need to rectify the dearth of women police personnel in the force, especially at senior levels. The number of women (including officers and constables) in the entire LEAs is less than 1,500. This constitutes just around one-tenth of one percent of the total police force of over 120,000. Active recruitment of women must be done.
36. Rather than establishing separate Women's Police Stations in just a few big cities, it is essential to set up a Women's Unit in each Police Station, staffed by women police personnel, to make it easier for women to contact or enter a Police Station.
37. There is a need to strengthen and expand the operations of the Karachi-based CPLC to the entire country, which could go a long way in addressing the citizens' grievances.
38. The independence and autonomy of the police system in operational and administrative actions is necessary, along with a mechanism of internal checks and balances and external monitoring and overseeing.
39. It is essential to enact the necessary laws to bring the provincial Police Departments under the authority of the Chief Executive of the province, instead of the Home and Tribal Affairs Departments.
40. Intelligence-sharing by all agencies with the police and other LEAs, and joint operational activities with paramilitary and military units are essential counter-terrorism measures.
41. There is a pressing need to train new recruits and provide refresher/in-service training to all cadres in all the LEAs, in

basic knowledge of the international Conventions which Pakistan has ratified, which are particularly relevant to the LEAs, e.g. Convention Against Torture (CAT), International Convention on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Child Rights Convention (CRC), and several others too. This training is required in addition to training on the PPC, CrPC, ATA, PoPA, etc.

CRSS ACTIVITIES RELEVANT TO THE POLICE FORCE

Capacity Development of Sindh Police

1. Activities⁴⁷
2. Publications⁴⁸
3. TV talk shows⁴⁹
4. Radio talk shows⁵⁰

Support to Punjab Prosecution Service

1. Activities⁵¹
2. Publications⁵²
3. TV talk shows⁵³
4. TV Spots⁵⁴
5. Radio talk shows⁵⁵

Rule of Law Conferences

- The Centre for Research and Security Studies organized a seminar on rule of law titled *“Countering Terror and Crime-Role of Police and Prosecution”*⁵⁶ (details in Part 2).
- Center for Research and Security Studies (CRSS) organized a seminar on *“Rule of Law and Counter-Terrorism – Roles of Public and Private Sectors”*⁵⁷ (details in Part 2).

⁴⁷CRSS Website - CDSP <http://crss.pk/rule-of-law/capacity-development-of-sindh-police-cdsp/>

⁴⁸CRSS Website - Rule of Law <http://crss.pk/rule-of-law/publications-cdsp/>

⁴⁹CRSS Website - CDSP (TV) <http://crss.pk/rule-of-law/watch-cdsp/>

⁵⁰CRSS Website - Rule of Law (radio) <http://crss.pk/rule-of-law/radio-cdsp/>

⁵¹CRSS Website - SPPS <http://crss.pk/rule-of-law/support-to-the-punjab-prosecution-service-spps/>

⁵²CRSS Website - SPPS - Rule of Law <http://crss.pk/rule-of-law/publications-spps/>

⁵³CRSS Website - Rule of Law (TV) <http://crss.pk/rule-of-law/talk-shows/>

⁵⁴CRSS Website - TV Spot <http://crss.pk/tv-spot/>

⁵⁵CRSS Website - SPPS (radio) <http://crss.pk/rule-of-law/radio-spps/>

⁵⁶CRSS Website - Story - Private Partnership Must be for De-radicalization <http://crss.pk/story/public-private-partnership-must-for-de-radicalization/>

⁵⁷CRSS Website - Story - Private Partnership Must be for De-radicalization <http://crss.pk/story/public-private-partnership-must-for-de-radicalization/>

PART 2: SEMINARS AND PAPERS

Introduction

“As the saying goes: 'It takes a thief to catch a thief', which is why there is an unwritten rule (or at least a tacit understanding) in the Police Force that we need to recruit people, if not directly from the underworld, at least with a criminal bent of mind, and a tough attitude, especially into the lower ranks and cadres of the force.”

This is a direct quote from a then-serving Inspector-General of Police (IGP) in Pakistan in the twenty-first century. Translated into plain language, it means that those individuals are preferred for recruitment into the police force, who are perceived to have the potential – and the willingness – to kill with impunity in fake “encounters”; to inflict torture; to manufacture false cases through fictitious First Information Reports (FIRs); to break into, enter and search people's homes without warrants; to arrest and detain without warrants; to use disproportionate force and violence to break up rallies, demonstrations and protests; to rape or gang-rape girls and women in police custody; to buy, sell or “disappear” witnesses (and sometimes even judges); to manipulate medico-legal examinations and reports to suit the highest bidder or the most politically influential; and much more.

There are, of course, several notable exceptions, especially at the senior echelons of the Police Force, who are highly educated, and are widely respected for their integrity, professional conduct and progressive outlook.

The Rule of Law and Access to Justice are much-desired universal ideals. The law enforcement agencies (LEAs), particularly the police forces, deal only with the former. Justice is dispensed by the Judiciary. The Judiciary makes decisions and pronounces judgements based on investigation and prosecution. Investigation is primarily handled by the police on behalf of the State. With the above stinging indictment against our police forces – albeit with exceptions – the prospect of obtaining justice is much like the prospect of winning the lottery.

Faulty, inadequate, incomplete, distorted or manipulated forensic evidence leads to faulty investigation and faulty prosecution, which eventually leads to the acquittal of the vastmajority of criminals, as the national, provincial and sector-wise crime data shows, sustained over time.

For instance, over ten years ago, a Pakistani woman, Mukhtaran Mai, was gang-raped on the orders of an illegal *jirga*⁵⁸ in a village in Seraiki Wasaib (aka South Punjab). After a long and convoluted trial, involving the District and Sessions Court, Anti-Terrorist Court, High Court, and the Supreme Court of Pakistan (SCP), to date she is unable to obtain justice, due to falsified evidence introduced at the initial stages by the local police, who were intimidated by the local feudal criminals – i.e., the rural landowning “elite”, whose illegal pronouncement of the “crime” and the barbaric punishment, as well as its immediate implementation, was witnessed by hundreds of terrified, powerless villagers, serfs and peasants in silent horror.

In this case, the Note of Dissent to the SCP Judgement (2011) by a Justice of the SCP⁵⁹ is notable and is worth reading and commending. Postscript: the Petitioner's Review Appeal is now before the SCP, together with the public appeal filed by human rights activists and members of civil society in reference to this case.⁶⁰

The following quote from Dr. Shoaib Suddle, retired IGP, is instructive: “The police cannot be left to the whims of the politicians and influential individuals. To reform the police and to enhance their performance, recruitment must be merit-based, the police should be professionally trained, their postings and transfers must be based on best practices, and they must be sent to specialized units, where they can build on their knowledge and expertise. The police must be made accountable. To achieve these objectives, steps were taken under the Police Order of 2002 through the National Public Safety Commission (NPSC) at the federal level, and the Provincial Public Safety Commissions (PPSCs) at the provincial levels. Interestingly, even before the law was understood,

⁵⁸Also known as 'jirga' in parts of Pakistan.

⁵⁹Who is currently the Honourable CJP.

⁶⁰See Annexures

over 100 amendments were made. To make the police and the system functional, it needs to be depoliticized.”⁶¹

Some questions arise. Are the police forces of Pakistan beyond rectification? Is there any hope of a possible salvage operation even now? We believe the answer is in the affirmative. Yes, there is hope for the police forces of Pakistan, and for upholding the Rule of Law. The missing ingredients are political commitment and courage.

This report seeks to find answers to the questions posed above. It also seeks to draw out concrete recommendations for action, as well as more general conclusions arising from the wide-ranging discussions at two seminars convened on the subject by the Pakistani research entity, the Centre for Research and Security Studies (CRSS). The two seminars were respectively titled:

- “Countering Terror and Crime – Role of Police and Prosecution”, Islamabad, 28 January 2014;
- “Rule of Law and Counter-Terrorism – Roles of Public and Private Sectors”, Islamabad, 21 April 2014.

This report provides a brief description of the aims and objectives of the seminars, the presentations made by the invited speakers, most of whom are eminent, senior, retired police officials and lawyers. It also includes the open discussion between the speakers and the invited guests as well as the media representatives.

Feedback, comments, suggestions and advice on this report from the primary and secondary stakeholders: police personnel, lawyers, judges, politicians, bureaucrats, human rights defenders, development practitioners, civil society, academicians, researchers and media persons would be welcome.

⁶¹See Annexures

Seminar One:
"Countering Terror and Crime: Role of Police and Prosecution"



On 28th January 2014, the CRSS organized the first of two seminars in Islamabad on a current topic of huge interest in Pakistan. It was titled: *"Countering Terror and Crime – Role of Police and Prosecution"*. The aim was to explore the means to highlight the complementary roles of the Police Force and the Prosecution in countering terrorism and crime, and also the overall situation of the rule of law in Pakistan.

The panel of speakers included:

- Mr. Ahmar Bilal Soofi, former Federal Minister, renowned expert on International Law, and President Research Society of International Law;
- Mr. Afzal Ali Shigri, retired IGP, renowned expert on Criminal Justice, Counter-Terrorism and Police Reforms;
- Mr. Robert Perito, author of *"Police in War: Fighting insurgency, Terrorism and Violent Crime"*, and Former Director, Security Sector Governance Center of Innovation
- Mr. Imtiaz Gul, Executive Director, Centre for Research and

Security Studies (CRSS).

Mr. Tariq Parvez, former Director-General, Federal Investigation Agency (FIA), chaired and moderated the seminar. An advocacy campaign for a demand from the public for better policing and prosecution, was also launched at the event, under the aegis of the CRSS. The participants represented diverse backgrounds, including serving and retired police personnel, lawyers, civil society, NGOs, academicians, researchers, diplomats and media, amongst others. The eminent speakers discussed the issues, the problems and the gaps. They all called for a number of measures to strengthen the LEAs.

Panel Presentations

Mr. Ahmar Bilal Soofi said that the Rule of Law also includes the Rule of International Law, which means adhering to international treaties, conventions, pacts and obligations under International Law.⁶²

In fact, implementing the International Rule of Law would also ensure the existence of the essential elements of an efficient Criminal Justice System (CJS) at the national and sub-national level. Mr. Soofi was of the opinion that the use of force or the military in aid of civil power by the State “is a reluctant choice, but in case of public disorder and a continued deteriorating situation, there is no other option left”.

He stated that strong legislative support is needed for an effective prosecution service and that the significance of a legal regime is no less in peace time. The security strategies in Pakistan are based on focus points, not on focus areas, which is one of the systemic flaws. Terrorism in Pakistan is of four kinds: urban, sectarian, ethnic and political. Each one requires different strategies.

He recommended that the criminal justice system must be strengthened, while stressing on the need to review political support. No department can work in a vacuum, therefore, a well-coordinated system of the police, judiciary and prosecution is essential. The Focus

⁶²See Annexures

should be shifted to improving the quality of the police cadres, merit-based recruitments, appointments and promotions also on merit, incentives, fair treatment for all police personnel, and the provision of welfare, health care, as well as adequate protection.

He stressed on the need to improve the quality of the prosecution service, along with the active support of the federal and provincial governments for the LEAs and the prosecution departments.

The former Inspector-General of Police (IGP), **Mr. Afzal Ali Shigri** said Pakistan faces a “complex and difficult security situation due to widespread terrorism and insurgency. The country is dealing with faceless and faithless enemies, who are challenging the country's unity in the form of targeted groups”.

While elaborating on the importance of the role of the Police Station as a first respondent and a prime source of data, information and intelligence for the national crime database, he said that there is a need “to train police cadres in public relations, public dealing, and service orientation”.

In his recommendations he also stressed on the need to build strong linkages between the police station and other organizations to facilitate transmitting information to the central database in real time.

Moreover, a security plan with the Police Station as a key component is absolutely necessary for the 'War Against Terror': “We need to reorient the direction of the police stations and gear them to focus on this battle against a network of terrorists spread far and wide.”

Further, “central intelligence units at the federal and provincial levels need to create that link to benefit from these very important sources of information”, he stated. “This will help in gathering hard intelligence about the terrorists, as well as assessments of the emerging trends in terrorism, insurgency and their inter-linkages at the national and international levels.”

Mr. Shigri strongly advocated that while the Government is making huge

investments in new anti-terrorism forces and units, it is important that the existing police stations not be neglected: “If we recognise the importance of the police station as a key element in an anti-terrorism strategy and integrate it in the plan, the battle would be half-won”.

Mr. Shigri recommended the following steps for the way forward:

1. Need to tackle the challenges at all levels: ideological, strategic, technical and developmental.
2. Recognize the vital role of the police in this scenario.
3. Four major elements are needed for the police to play their expected role:
4. Being alert; sensitized; well-trained; in communication with the local people.
5. Actionable intelligence has emerged recently, but the police need training in how to use it.
6. National security plans should be merged with the local police plan for better results.
7. Strategies should be devised to fight collateral damage.
8. Three major areas need to be focussed on, in the police departments: proper resourcing, reliable transportation, and modern means of communication for exchange of information.
9. Need coordinated and planned action with the police forces.
10. Police, as an essential part of the local population, can become the primary source of information for a database.
11. Similarly, the police database can be used for identifying and tackling enemies.
12. Need to focus on training of police personnel.
13. Building linkages between the NGOs and the police would improve the efficiency and working of the police.
14. Creating a direct linkage between the police and the local population is important for information gathering.
15. Need to provide and equip the police with the latest weapons and security gadgets.
16. Integrating the role of police stations is essential.

The CRSS Executive Director, Mr. Imtiaz Gul said that the cases related to suicide attacks unfortunately lie in cold storage today. Their First Information Reports (FIRs) were registered against “anonymous” attackers and thus the police could not go any further. In the case of a massive bombing in Khyber Bazaar, the police claimed to have arrested the handler and the carrier too, but the court released all eight accused offenders for lack of evidence.



Mr. Gul said that the Prosecution routinely fails to produce evidence that can be upheld in a court of law, but at the same time, the police are tainted with allegations of corruption and abuse of authority. Their job is even more complex in huge cities such as Karachi and Lahore. They also bear the brunt of politicians and are a target for the terrorists.

Mr. Robert Perito, author of *“Police in War: Fighting Insurgency, Terrorism and Violent Crime”*, speaking about the role of the police said: “The police should adopt a proactive role rather than a reactive one; and the strategic principles and the role of the police are the same across all three dimensions of violence”.

He elaborated that the role of the police is to protect the community and to establish effective relations with the public. In order for governments to gain public support, the responsibility for public security should be entrusted to the police deployed among the general population.

Mr. Perito said that “the police are the public face of the government. Police can be a source of legitimacy for the government. By performing their duties in a professional and fair manner, the police can build support for the government they represent”.

“The police can establish effective relations with the public in three ways, which, in my book, is called: 'Core Values-Based Policing':

- (i) being available;
- (ii) being responsive;
- (iii) being fair

“Specifically, within these three points:

- (i) Availability: Police make themselves available by patrolling, by creating ways whereby the public can easily contact the police by telephone, and by encouraging the public to come to police stations to report crimes and register complaints.
- (ii) Responsiveness: Police should respond promptly when called by any and all individuals needing assistance. Police should be willing to listen sympathetically. They should be skilled at taking crime reports, collecting evidence, securing a crime scene, questioning witnesses and, importantly, being knowledgeable about the limits of their authority.
- (iii) Fairness: In their dealings with the public, the police should be respectful. They should be professional. They should treat all persons equally and not show preferences to certain groups or discriminate against minorities.”

Mr. Perito listed the following as the main components required in police training:

1. Professionalism;

2. Key role models;
3. Clarify the role of police as “government civil servants”;
4. Focus on the psychological aspects of policing too;
5. Focus on fundamental ethics.

He added that “the police have a crucial role to play in the Criminal Prosecution Service; that law enforcement is an effective method of preventing and controlling terrorism; and that the police should adopt a proactive role rather than a reactive role”.

Summing up, the Moderator, Mr. Tariq Parvez, former DG/FIA, said that “the need is to create an enabling environment for the police to work effectively. An amendment in the law may also be considered, in order to remove ambiguities from the Anti-Terrorism Act, which is very vague”.

Mr. Parvez recommended that there is a need for the police to go back to the basics, e.g. record maintenance and investigation; to establish a two-way connectivity between the police and the public; and focus on management issues.

He further said that “while making any criticism against the police, we must not forget the political interference that the police face very often”.

Open Discussion, Comments, Q & A Session

Syed Kamal Shah, retired IGP said that countering terrorism and crime is an excellent subject and we need to focus particularly on the role of the police and prosecution. His suggestions were as follows:

1. We should not take any department/institution in isolation. The Criminal Justice system has three components: police/LEAs, prison and judiciary. In Pakistan we discuss only the police and ignore the other two.
2. We need to focus on the quality of police and prosecution: (i) recruitment on merit, especially police constables, under a proper system with no political interference; (ii) training: the curriculum has to be recast, in view of the current challenges; (iii) promote people on merit, if the police is to

- deliver and not demoralize those who deserve it on merit.
3. Incentives mean fair treatment to all police personnel in service, including their welfare, salary, health care, insurance, and taking care of their families in case of death.
 4. Improve the low quality of prosecutors available to the police. Separation of the prosecution has also damaged the police, because it focused only on doing justice to the criminals, ignoring the need to help and support the investigating officers, who get legal advice from low-ranking Grade 17 officers, but have to face high calibre lawyers. The police must be allowed to prosecute from the commencement of investigation, or the grade/calibre of the PDSP must be raised.
 5. We need amendments in the high priority the courts give to evidence from the spot of the incident, as we obtain insufficient evidence, which a good defence lawyer demolishes, and the court is sympathetic to the defence, thus the prosecutor is in a very difficult position vis-à-vis the police investigation and evidence.
 6. The police force needs wholehearted and unconditional support from the government; and needs to be given autonomy and full powers to select its own local teams, which will deliver:



A selection of the queries and comments raised by the **participants** follows:

1. The police force needs to be given as much status, priority and significance in all aspects, including pay structures, budgetary support, equipment and training, as the military cadres are provided in Pakistan; we should also let go the centuries old colonial approach in making recruitments in the police force and appointments, postings and promotions should be made only on merit.
2. The police has a very low public image; there is a lack of trust of the police among the public; a weak forensic capability is another problem; there is a lack of oversight of the civil society towards the prosecution service; the speakers' suggestions must be presented to the policy makers, to improve the police's capability in combating terrorism in Pakistan.
3. What about the women in the police force? They have a huge potential, and need to play a greater role as first respondents too; instead of being put behind computers as data entry operators or receptionists, they could be community women mobilizers, stationed in all police stations.
4. Trying to apply the Sri Lankan model of “zero tolerance” for the Tamil insurgency will not work in our society, as it obviously means impinging on human rights. Counter-terrorism policing has been taken over by the military, and the military does not listen to the police; hence, a two-tier policing methodology is totally missing in our system. How should we raise awareness and educate Pakistanis on whether or not this is our war? Should the media be on board? How should we reach the common person to say: “This is your war and you need to be a stakeholder in it”?
5. Unfortunately, the Police Order of 2002 was not implemented. It had a credible and strict accountability procedure, oversight by civil society, appointments on merit, and methods to make the existing police a professional force,

- not setting up new cadres, e.g. anti-terrorism police.
6. What legal instruments are there to investigate incidents of police torture or assaults in police custody, and how to hold the police accountable?

Speakers' Responses and Concluding Comments

Mr. Afzal Ali Shigri

1. Police Torture/Custodial Assault: there is a law which requires a request to the High Court to appoint a Judge of the Sessions Court to investigate the matter if someone dies, or is raped, or injured in police custody. It is not happening because the law is not being implemented.
2. The Police Order 2002 was implemented in only two provinces, whereas in the other two their legal departments advised the provincial governments that this was a federal law and the provinces cannot substantially change it structurally. That law has not been implemented anywhere, which is a tragedy.

Mr. Robert Perito

1. The reaction of governments anywhere in the world is that when confronted with violence, they respond with greater violence, which escalates into a cycle of ever greater violence and it is very difficult for governments to win that fight, while still respecting values, e.g. democracy and human rights.
2. This ends up with militarizing the police, and an absence of the rule of law. We need a police force which understands criminal justice.
3. We have to go back to the basics: The role of the police in the community is to protect the citizens, and to enforce the law. With that premise, we get effective results because the community stands with the police, and the police force stops violating their human rights. Otherwise, the police will lose the community's support. If that happens, both the police and the government inevitably lose the war against terrorism.

Mr. Ahmar Bilal Soofi

1. From the legal viewpoint, challenging the symbols of the State constitutes waging war on the State itself, under Section 121-PPC. Thus, the legal narrative is the best and most accurate narrative.
2. Issue of indemnity: under Article 237 of the Constitution, there is a provision where there can be indemnity of specific laws; and there is a general principle of indemnity for the police force vs. individual police responsibility. Indemnity is given when acts are carried out in the normal course of duty, with unintended consequences; in the context of the Rangers in Karachi, a question arose whether the Rangers come under the Anti-Terrorism Law.
3. People expect politicians, not senior police officials, to make strong political statements and to show political leadership.
4. Re. the Sri Lankan model: after the civil war, Sri Lanka enacted legislation for establishing rehabilitation centres, to de-radicalize 7,000-10,000 ex-combatants, and needed to create a separate ministry for this, because obviously the regular criminal prosecution system would have been completely choked with such a large number. It was also recognized that they needed to win back the loyalties of the insurgents. I think some of those lessons would be partially relevant here in Pakistan too. The Sri Lankan model would be valuable in the context of a political decision, as to whether to go for de-radicalization or prosecution, or a mix of both options. If some ex-insurgents can be de-radicalized and if they reaffirm their oath to the Pakistan Constitution and the State, then there would be no need to prosecute them.
5. Prison reforms: should include a de-radicalization programme too, e.g. through Friday sermons, structured literature to read, and so on.
6. Dialogue: whosoever adheres to the Constitution, we should be prepared to dialogue with them, so there is a dividing line evolving, which is anchored in the Constitution and law,

despite differences in religious beliefs and political affiliations. This should be followed by a momentum of academic clarity.

Mr. Tariq Parvez

1. SHO/PS: The police station (PS) is basically the fundamental unit of the police and the Station House Officer (SHO) is in charge, determining the effectiveness of the police. The SHO needs security and stability of tenure, free from political interference. Without making the police stations effective, counter-terrorism efforts will be futile; and the community can play an important role in this regard.
2. Recruitments and appointments: At the Assistant Superintendent of Police (ASP) level, recruitments are done through the Federal Public Service Commission, which is free from political interference.
3. Police as an Institution: Institutions do not work in a vacuum, but in an overall environment. For counter-terrorism, the starting point should be political will. If the State is ambiguous about the nature of the enemy, then to expect the institutions (whether the Police or the Military) to be effective, would be unfair. We need an enabling political environment where we have absolutely no doubt about who the enemy is, and whom we are going to target.
4. The definitions in the Anti-Terrorism Act are so ambiguous and widespread that you can include almost anything in it; there is no clarity and if every criminal act is termed a "Terrorist Act", then it confuses matters. We cannot focus on real terrorist acts, because other cases are also put into that category, so we need an amendment in the ATA law, defining Terrorist Acts in a very



limited way.

5. There is a need for a comprehensive counter-terrorism strategy, with a roadmap, and a coordinated multidimensional effort by various agencies. There is a consensus internationally that counter-terrorism is mainly a police function.
6. Police counter-terrorism steps should involve evidence collection, arrest of terrorists, taking them through a court trial and getting them convicted.
7. The role of other agencies should be supportive, but in Pakistan, we find that the police force is given a secondary role, while the other agencies take on the lead role. This confusion leads to weakening the police efforts at the Station level.
8. The current police station (PS) was meant for a different type of society, so now a three-pronged approach is needed to make the PS responsive in countering modern terrorism: (i) back to basics, e.g. inspection and record maintenance; (ii) adapt the PS record maintenance to meet modern counter-terrorism challenges; (iii) the PS needs a two-way connectivity: transmission of information from the PS upwards, and a capability of the PS to retrieve relevant information from the national databases.

Seminar Two: Rule of Law and Counter-Terrorism: Roles of Public and Private Sectors



In April 2014, the CRSS organized a second seminar titled: *“Rule of Law and Counter-Terrorism – Roles of Public and Private Sectors”*. The aim was to further explore the means to strengthen the rule of law in Pakistan, and to highlight the roles of the Public and the Private Sectors in countering terrorism and crime.

The panel of speakers included:

- Mr. Ahmar Bilal Soofi, former Federal Minister, renowned expert on International Law, and President Research Society of International Law
- Dr. Muhammad Shoaib Suddle, retired IGP, former Director-General Intelligence Bureau (IB), NPB & FIA, renowned expert on Criminal Justice, Counter-Terrorism and Police Reforms, and a Public Policy Analyst
- Mr. Toaha Qureshi MBE, Chairman of Stockwell Green Community Services (SGCS), and Forum for International Relations Development (FIRD), UK
- Mr. Imtiaz Gul, Executive Director, Centre for Research and

Security Studies (CRSS)

The former Member of the National Assembly (MNA) from Swat, Mr. Adnan Aurangzeb chaired and moderated the seminar.

The speakers called for comprehensive legal reforms to ensure the rule of law in the country, in order to deal with widespread radicalization, extremism and terrorism. They underscored the undisputed importance of the rule of law, essentially because it is a fundamental requirement for socio-political and economic progress.

The government and the community need to work in partnership to combat terrorism and extremism, by working with the radicalized youth through education and the provision of employment opportunities, and by bringing them into de-radicalization programmes, in order to help them become productive members of society.

Laws are tools for managing the country's administration and a State is judged by its adherence to its international commitments. When crime challenges the writ of the State, it is for the State to establish its writ through engagement, dialogue, prosecution and action. And it is after the terrorists are neutralized, that there is then the opportune time to de-radicalize them and bring them back into the mainstream of society.

The speakers also stressed the importance of enacting uniform police laws to bring clarity, consistency and standardization to the performance of the police in the four provinces and at the federal level. For the police personnel to perform at their optimal level, they need to be recruited on merit, be trained professionally and technically, and to be free of political interference. For the rule of law to be established, it is imperative that the police laws are comprehensively changed, and the prosecution service and the lower judiciary are reformed, in order to establish a system that works for the ordinary Pakistani and ensures speedy justice for all.

Panel Presentations

Mr. Imitiaz Gul, Executive Director, Centre for Research & Security Studies (CRSS)

Mr. Gul introduced the subject and the speakers. He stated that the rule of law is a fundamental requirement for socio-political and economic progress, which requires everybody to rise above lofty rhetoric and apply the law to one's own self before talking of laws, principles and morality to others.

He recalled that the former CJP said that the Judiciary became active due to the lack of good governance on the part of the Executive, which shifted the burden to the Judiciary. The challenges faced by the Judiciary during the last few years had recharged it as an active and respected pillar of the State, marking the beginning of a new era of Constitutional jurisprudence; expanding the social role of the Rule of Law; and most importantly, creating a greater awareness among the people, regarding the values of democracy and the true meaning of the fundamental rights guaranteed under the Constitution.

He quoted Mr. Bo Li, a New York-based attorney, from his essay, "What Is Rule of Law?" where he draws a distinction between "rule by law" and "rule of law". Under "rule by law", the law is an instrument of the government and the government is above the law, meaning thereby, dictatorial governments and elected leaders, who act arbitrarily to bend or circumvent the law: it is essentially, rule by a few persons. "In contrast, under the 'rule of law', no one is above the law, not even the government." The core principle of the "rule of law" is an autonomous legal order. In this context, Mr. Bo Li dissects the rule of law and terms it as (i) a regulator of government power; (ii) equality before law; and (iii) procedural and formal justice.

Mr. Gul stated that the UN defines some basic indicators for the Rule of Law. They include:

1. Public confidence in the police force and the judicial system;
2. Popular observance of the law;

3. Strength and impartiality of the legal system;
4. The extent to which a well-functioning and accountable police force protects citizens and their property from crime and violence;
5. Steps to prevent and tackle the prevalence of petty crime, violent crime and organized crime, kidnappings, economic impact of crime on local businesses, prevalence of human trafficking, government commitment to combating human trafficking;
6. Existence of effective and democratic civilian State control of the police, the armed forces, and internal security forces, through all three branches: the Judiciary, Legislature and Executive;
7. Security and guarantee of all kinds of private property rights of ownership;
8. Steps to address the prevalence of tax evasion and insider trading, and reduce the size of the informal economy;
9. Independence, effectiveness, predictability and integrity of the Judiciary;
10. Independence of prosecutors from political direction, interference and control;
11. Police, military and internal security services respect human rights and are held accountable for any abuses of power or human rights violations;
12. Law-enforcement agencies are protected from political influence and have sufficient budgets to carry out their mandates.

In the Pakistan Constitution, Chapter 1, Part II: “Fundamental Rights and Principles of Policy”, most of the same indicators are laid down. The experts point out that their absence, or their inadequate enforcement, leads to increased crime, social chaos, poor governance, and delays in, or miscarriage of, justice.

He queried: “Where does Pakistani society stand today? Does it comply with or fulfil some of the UN indicators of the rule of law? This is the subject under discussion in this seminar, and for this we have invited scholars, as well as legal and technical experts here to provide us with

their views on the state of the rule of law and police in Pakistan.”

Mr. Toaha Qureshi, Chairman Stockwell Green Community Services (SGCS), CEO London College of Business Management and IT (LCBMIT), Chairman Forum for International Relations Development (FIRD), UK

Mr. Qureshi said that Pakistan is facing a multifaceted radicalization challenge, which can be dealt with only by implementing a precise and connective strategy, requiring a multi-pronged approach. He had shared his strategy with the last civilian government in Pakistan, but it was not taken up for trying out in Pakistan.

He said that radicalization must be tackled through education, dialogue, and rehabilitation, rather than military or warlike actions. We started working on this in UK before 9/11 happened in New York, or 7/7 in London. A lot of young Muslims were being radicalized. They were initially trained in the UK, and then sent to Pakistan and Afghanistan for jihad. The first step in counter-radicalization is a triangular model of engagement and containment in which the community, the police, and the local authority work in partnership to tackle problems of social exclusion, anti-social behaviour, unemployment, radicalization, violent extremism, terrorism, etc.

Once the problem is identified, all the stakeholders take ownership of the issue and then collectively attempt to implement workable solutions through capacity-building measures, such as social behavioral transformation, enhancing educational attainment, and employment opportunities.

The second step is early prevention. Diverse measures are taken to prevent youth from walking down the path of radicalism, extremism, violent extremism or terrorism. For this, it is important that children are taught to voice their concerns from a young age.

The third step is rehabilitation. The wider society and affected communities assume collective responsibility to rehabilitate violent extremists and convicted terrorists to transform them into productive

members of mainstream society. This is achieved through social and religious mentoring. It involves free education, skill-based training, as well as business and employment opportunities. These models have been formally adopted and have worked in the UK and other EU states.

Sometimes they are placed in the programme called TRIM where they are transformed into role models. This is a community-based initiative supported by the UK Government, led mainly by the British-Pakistani community. The SGCS works with prisoners convicted under the Terrorism Act, who are on parole, and rehabilitates them. The rehabilitated people are now living a normal life. This is purely a community initiative supported by the UK Government. The initiative has proved fruitful for UK and can do so also for Pakistan, if implemented earnestly and effectively.

“The project has been evaluated by the Middlesex University, UK. The team met 600 people who went through the programme, and found that the real issues causing problems were the UK's foreign policy, racism, discrimination, standard of living and unemployment, lack of education and distrust of the government. The government took a cue from the evaluation and, after engaging with the UK Muslim community, revisited its foreign policy.”

He concluded: “Comparing the UK situation with Pakistan, here the people have serious problems with the State's foreign policy, besides other issues such as discrimination, unemployment, violence against minorities, etc. We are a minority in the UK but we enjoy all freedoms and rights under the law of the land and look how minorities are treated in Pakistan. The Pakistani State needs to look at the society and its institutions and make concerted efforts to deal with terrorism and extremism with the support of the community.”

Mr. Ahmar Bilal Soofi, former Federal Minister, renowned expert on International Law and President Research Society of International Law

Mr. Soofi stated that “The rule of law means rule of domestic and international laws. Laws are the management tools of a State and also

include implementation of international treaties and commitments signed by the State. The international community judges a State through its international commitments and its adherence to them.”

“There are two types of offences: routine offences such as theft and murder, which are handled by the police and judiciary according to the law. The other, and more serious crimes, are those challenging the writ of the State and the Constitution. A State has two options in case of violation of its laws: (i) to persuade the offender to obey the law; or (ii) to prosecute, in case of refusal to comply. If the court acquits the offender due to the inadequate evidence presented or the lack of evidence, then it has failed in its duty to implement the law.”



“Terrorism has a certain pattern of waging war on the State, which requires serious attention. When militants are neutralized, either through dialogue or military action, then that is the perfect opportunity to improve the prosecution mechanism and make efforts to de-radicalize them. When they are being de-radicalized, it is important to note the kind of literature they were/are reading, the sermons they are exposed to in the prisons or in the internment centres. There are thousands of militants in Pakistani jails who need to be de-radicalized and brought onto the side of the State. It is the responsibility of the

Ministry of Interior to develop an effective mechanism to achieve this feat.”

“One can respect the State's political positioning, but people have reservations regarding the Anti-Terrorism Act (ATA). This law is ambiguous in its definition of terrorism. It allows a police officer to book any person and label many offences as 'terrorism'. The government should have administrative mechanisms to approve a *challan* as to where it should go. The police are also unclear under which law to operate to address terrorism. The Police Law has been devolved to the provincial governments after the 18th Constitutional Amendment. Each province is independent and empowered to adopt its own and different police laws. One province has opted for the Police Order 2002, while another has opted to retain the Police Act of 1860, while a third province is in the process of enacting a new law.”

“In Pakistan, currently there are over 5,000 people known to be in the internment centres, including 3,000 in Karachi and several hundred in Balochistan and KP, requiring an ambitious prosecution exercise. However, there are about 50-55 judges of the Anti-Terrorism Courts, who can handle about 2000 cases. Thus, there is a need to increase the number of special Judges, Investigating Officers and Prosecutors as well. The State needs to adopt an urgent strategy of combining de-radicalization and prosecution mechanisms to deal with the situation.”

“Pakistan is facing a serious challenge, which may grow worse in case of military action against terrorists in FATA. The federal Government should clearly delineate the limits of indemnity. For instance, what is the position of the federal Government on the indemnity of those who stand up for the Federation? The bureaucracy/civil servants, judges, and the armed forces work for the Federation. Under the Immunity Act of 1865, judges cannot be prosecuted for giving wrong judgements. It is this indemnity which allows them to pass judgements freely.”

“Under Section 23 of the Civil Servants Act, civil servants, on the basis of good faith, can take decisions on a fast track on behalf of the State. The Supreme Court has watered down indemnity in the last five years. The Supreme Court has so far not guided the Executive or the military on

how to conduct military operations and indemnity on the use of force. If the army is being called in aid of civil power then the message is a licence to use force because the public order has been destroyed or is not effective any more. In such a situation, the military uses force and brings the order back and its actions are indemnified.”

Dr. Muhammad Shoaib Suddle, former IGP and Federal Tax Ombudsman, GoP

In his thought-provoking presentation, Dr. Suddle outlined the history and background of the laws pertaining to the Police force, as well as the pressing current issues. He presented a comprehensive set of recommendations for the decision-makers, policy-makers and legislators. The following is a summary of his presentation:

“It is often said that 9/11 has changed everything, but I am sure that it has not changed the Pakistan Police, which is modelled on the 1861 Police Act, which the Federal Government follows. However, some provinces opted to change the federal law in 2008. The federal Interior Ministry encouraged that move.”

“Some people believe that the 1973 Constitution empowers provinces to have their own police laws, but in 1982, the Law Ministry issued a list of central/federal laws, whereby the Police Act of 1861 is a central law. Yet this created confusion, with the result that Balochistan, where we needed strong new laws, reverted back to 1861 and 95 percent of the area of the province again became a “B” Area” and 5 percent became the “A” Area”.

“This means that you can kidnap persons or vehicles in Karachi, transport and keep them in the “B” Areas of Balochistan, and you are out of the so-called 'long arm of the law'. This “B” Area system was effective a long time ago, but it is not so now.”

“Whatever happened in Balochistan, the province of Sindh followed suit. However, Punjab and Khyber Pakhtunkhwa (KP) retained the Police Order of 2002. Interestingly, Islamabad/ICT, the capital of Pakistan, never changed at all in 2002 – it simply continued with the 1861 Police

Act.”



“The 2002 Police Order did provide a great opportunity for Pakistan to strengthen, standardize, and harmonize the different LEA laws after the incident of 9/11, but we did not utilize it, and instead, we took steps in the opposite direction, as a result of which the LEA system is now completely fragmented.”

“Without reforming the police, it is a given that the prosecution, the lower judiciary, the prison system and the Rule of Law and Constitution will not be able to deliver. We, in fact, need to turn the focus upside down, because unless we empower the lowest levels and cadres in the system, it will not work.”

“For example, in a society where we rarely hear or speak the truth, yet we have the audacity to claim that whatever is written in the First Information Report (FIR) is final, and the same FIR document goes right up to the Supreme Court appeal level. Thus, there should be some amendments and provisions to change the FIR on the basis of subsequent scientific investigation and forensic evidence.”

“The Rule of Law will never come to this country unless the outmoded practices that we inherited and that we continue to live with to date, are thrown out of the window. We need to have a system which is workable for us where the common person can get justice within a reasonable time. The failure is not merely at the level of the police. The Pakistan Penal Code (PPC) clearly states, in the chapter on General Exceptions,

that any act committed by a child below 7 years of age is not a crime, but despite this, we see children being finger-printed and brought to the courts in Pakistan. Perhaps, the whole system has collapsed.”

A few of the recommendations presented by Dr. Shoaib Suddle follow:

“We can enhance the ability of the police force, not by subjecting it to the whims and wishes of the politicians in power, but by recruitment purely on merit. Give the police professional training, regulate their postings and transfers on the basis of best practices, send them to specialized units where they can build upon their previous knowledge and expertise, and hold them formally accountable.”

“Under the Police Order of 2002, we took certain measures to achieve the above objectives, through the National Public Safety Commission (NPSC) at the federal level and the Provincial Public Safety Commissions (PPSCs) at the provincial levels. It is interesting that before this new law was even understood, let alone implemented, more than 100 amendments were made, as the most important priority of all the Provincial Governments was to win elections.”

“To achieve this objective, they need to ensure the loyalty of the Station House Officer (SHO) and they know he would not support them if a fixed appointment and an assured tenure was offered to him.”

“Under the Police Order (2002), the Inspector-General (IG) of a province was to be appointed on the recommendations of the NPSC, but there has been no NPSC in operation for over six years now. Unless the police and the rest of the system is depoliticized, nothing positive can happen. The police should be neutral, to the extent that the vulnerable segments of society, like the minorities, the old, and the needy, upon seeing a police station, can say that this is the place where they will be provided with protection and service. Unfortunately, our police force is meant to frighten the people rather than protecting or serving them.”

“The traditional response regarding law enforcement by successive governments is to enhance punishments through new laws, which is totally counter-productive. Effective deterrence cannot be achieved by

giving severe punishments or lengthy imprisonment sentences. Prisons should only be for those criminals who are really dangerous to the society.”

“There is a need to utilize the forensic sciences to improve the performance of our police force in evidence collection. Intelligence gathering is very critical in countering the challenge of terrorism. Intelligence comes from the citizens and how can we expect citizens to pass on any kind of information to the police if they do not trust the police? So, there is a need to bridge this mistrust between the police and the public at large.”

“We need to have a system whereby whatever intelligence is available at whatever level must be shared and disseminated within the LEAs. This model worked very well in Karachi in the past, where the killing rate of more than 300 persons per month came down to almost zero within six months of its application. But unfortunately, this model is no longer in operation anywhere.”

“Every country has to adopt a system which suits its specific needs and challenges. For example, Malaysia is a federation, and so when the country became independent they opted for a federal system of government, but as far as police was concerned, they retained its central structure. There was only one IGP for the whole country, and it appears that it has worked well for Malaysia, but in Pakistan, we are not sure what will be the fate of the various police laws. We need to learn from those countries which had fragmented police laws before 9/11, but subsequently, they have been unified and centralized, in order to fight terrorism.”

Open Discussion, Comments, Q & A Session

The following is a selection of the queries and comments raised by some of the participants:

Hafiz Hussain Ahmed, Parliamentarian, JUI (F)

There can be no terrorism in a country where there is rule of law. If the

law is not implemented indiscriminately, then unlawful activities will continue to be committed with impunity. Some people relate terrorism with mullahs and mosques, but it should be kept in mind that the insurgents in Balochistan are neither mullahs nor students of any madrassa h (seminary). These are people who are fighting from the mountains, waging an armed struggle for being denied the human rights promised to them in the Constitution.



Only 3 out of 32 districts of Balochistan have been provided the facility of natural gas. In contrast, under the National Reconciliation Ordinance (NRO), thousands of people were given amnesty and saved from legal action. The former President, General (retd.) Pervez Musharraf, against whom murder cases were pending before the courts in Balochistan, was given an official helicopter to travel to Karachi from Islamabad and VIP protocol.

Osama Bin Laden was arrested from an area adjacent to the military academy in Kakul (Abbottabad/KP), but neither the Chief of the Army Staff was removed, nor did the heads of the Intelligence Agencies roll. The long arm of the law comes into action only against the poor, and also against the people of Balochistan. The Constitution has not been extended to FATA since 1947.

It is an open secret that the Missing Persons of Balochistan are in the custody of various intelligence/security agencies, but neither the law nor the judiciary is able to give justice to their families. In such a situation, those who are desperate have no options, except to commit suicide or to kill others. The Rule of Law is the antidote for terrorism. No one will even think of committing terrorism if the law is implemented in letter and spirit.

Questions and Answers Session

1. In Pakistan we have diverse communities, unlike the UK, so how can we replicate the UK community model of de-radicalization in Pakistan?
2. How do you see the political main streaming of “banned” organizations and individuals, with special reference to Maulvi Ahmad Ludhianvi, who is an elected Parliamentarian from Jhang?
3. What efforts have been made to build the capacity of the Pakistani police forces after 9/11?
4. There are at least three different kinds of laws and systems of jurisprudence currently in operation simultaneously in Pakistan: Constitutional law, Shariah law and the illegal traditional feudal/tribal Jirgas/Punchayats. We have the Constitutional Judiciary with the Supreme Court of Pakistan at its apex, but at the same time we have the Federal Shariat Court (FSC), and the controversial role of the Council of Islamic Ideology (CII). Additionally, Shariat Law has been enacted and enforced in Malakand (Khyber-Pakhtunkhwa) since 2009. So, what kind of Rule of Law are we talking about in the above *de facto* scenario in Pakistan?
5. Why cannot the SCP get the federal and provincial Governments to legislate and/or issue executive orders to implement its many judgements declaring Jirgas and Punchayats to be unconstitutional, illegal and violative of fundamental human rights; directing the federal and provincial Governments to abolish and eradicate them; to take legal action against those who pronounce and forcibly carry them out; nullify the “judgements” (sic) they pronounce as being unlawful and illegal; ensure that they are not implemented; and to utilize the LEAs and the subordinate judiciary to carry out the above actions?
6. We cannot follow the UK model of de-radicalization in Pakistan, by releasing the convicts from jails and giving them

psychiatric treatment, education and rehabilitation, because they will go back to their terrorist, criminal activities.

7. There should be a mechanism to correct the government mal administration. For example, last year the Supreme Court of Pakistan directed that a Commission should be constituted for transparent recruitment of staff to the public sector parastatal entities, but the Establishment Division issued a Notification exempting the Securities and Exchange Commission of Pakistan (SECP) and the Competition Commission of Pakistan (CCP). The Federal Government started making its own appointments, by issuing another Notification whereby 25 public sector entities were exempted from the SCP order. Where is the accountability, Rule of Law and compliance with the binding orders of the SCP?
8. The more stringent laws we make, the more corruption is generated. There should be a Committee to investigate serious offences. This Committee should comprise one senior police officer, a magistrate and a respectable citizen from the locality.
9. How will the currently ongoing Peace Talks between the Pakistani Taliban and the Government impact the principle of the Rule of Law?
10. Can there be any peace without justice?
11. There has been no effort made to evolve a counter-narrative to the widespread populist Jihadi narrative regarding the ongoing terrorism in Pakistan – why not?
12. We need to review the role of religion in our society, our politics and our national security doctrines before embarking upon mechanisms for implementing the Rule of Law and counter-terrorism.

Speakers' Responses and Concluding Comments

Mr. Toaha Qureshi

We need to debate the role of religion in eradicating terrorism and the society should take serious note of it. Peace should be given an opportunity by supporting the dialogue process with the Taliban.

Mr. Ahmar Bilal Soofi

1. The Constitution of Pakistan provides for multiple simultaneous justice systems and institutions, therefore, unless the Constitution is amended, they stand legal and functional.
2. Court judgements reconfirm the Government's stance. Their decisions have commercial, domestic and international impact. The Supreme Court's judgement on the Durand Line is taken as the State policy of Pakistan regarding the boundary between Pakistan and Afghanistan. The SCP's decision in the Reko Diq Case in Balochistan is benefiting the country on an international level, whereas the SCP's verdict in the case of Karkey Powership Electricity Production Corporation (KPEPC) is harming Pakistan, as the KPEPC has moved the International Court of Arbitration (ICA) against this verdict. The courts should conduct in-camera hearings of cases that have international importance and impact.
3. Certainly, there is a need to build a counter-narrative to counter the menace of terrorism.
4. Any person, despite being a member of a banned/proscribed organization, is not prohibited from electioneering by the Constitution. If someone is airing views which are generating hatred and violence, then the legal course of action to be taken is laid down in the Anti-Terrorism Act (ATA), which has very specific provisions.
5. For a successful de-radicalization process, we need to detain and treat people in accordance with the law. We cannot

coerce and force people to de-radicalize and so there has to be a legal framework for a de-radicalization programme. We need to look at the Sri Lankan model that de-radicalized about 10,000 ex-combatants. They established a Ministry for De-Radicalization and created a legal framework for detaining people for several weeks or months, if required.

6. The challenge for the present Government is an immediate economic revival. A vibrant economy will certainly reduce the space for terrorism in the country.
7. There is no legal provision for the current peace talks with the Taliban. If the peace talks result in an outcome whereby there is any violation of international law, we will be in serious trouble. The UN resolution # 1373 refers to this, as it forbids giving terrorists safe haven. If Pakistan gives them a safe haven, it will be in non-compliance with international law.

Dr. Shoaib Suddle

1. No society can exist without having justice.
2. The capacity building of police in counter-terrorism after 9/11 has only been done on paper. A lot of money has been spent on senior officers' visits to various countries, but nothing has been done or achieved on the ground in Pakistan.

Closing Remarks: Mr. Adnan Aurangzeb

“In 1969, Swat became an administrative district of Pakistan, but absence of the rule of law created unrest amongst the people of the area. Consequently, extremist disgruntled elements became strong to the extent that the State lost its writ in the jurisdiction of 8 out of 12 police stations in Swat by 2009. The question is: why are the people responsible for creating that state of affairs not being held accountable subsequent to the military operation of 2009?”

“Such developments have minor or trivial beginnings, and then they

turn into big and vicious acts if the State fails to take timely action to stop them. The nation should collectively respond to these acts, to prevent them from becoming monsters in future. God forbid that Pakistan should meet the same fate that Swat witnessed during 2008-09, which is possible, if precautionary measures are not taken in time.

“Unless the Rule of Law is ensured, things will not improve in Pakistan. Constitutional reforms should also be introduced in FATA and such reforms should be according to the wishes and needs of the tribal people of FATA.”

In conclusion, on behalf of the **CRSS, Mr. Imtiaz Gul** thanked the speakers and the participants for an enlightening and worthwhile seminar, and assured them that their recommendations would be compiled and added to those of the previous seminar on a similar topic.

Recommendations

If the policy-makers among the elected representatives and the Executive branch are sincerely and genuinely interested in reforming and revamping the Police Force of Pakistan, then it is critically important for them to first of all acknowledge that all is not right in this important institution, by rejecting the cliché of '*sub achahai*'.⁶³

Next, they need to read the above brief accounts of the two seminars held to demystify and untangle the complex issues facing the police force, and also facing those who need to interact with the police and other LEAs.

Finally, and most important, is the urgent requirement for the policy-makers and decision-makers to read and act upon the following sets of recommendations. These have been desegregated and compiled in groups, for ease of reference and action by the respective responsibility-holders and stakeholders.

“The traditional response regarding law enforcement by successive governments is to enhance punishments through new laws, which is totally counter-productive. Effective deterrence cannot be achieved by giving severe punishments or lengthy imprisonment sentences. Prisons should only be for those criminals who are really dangerous to the society.”⁶⁴

“There is a need to utilize the forensic sciences to improve the performance of our police force in evidence collection. Intelligence gathering is very critical in countering the challenge of terrorism. Intelligence comes from the citizens and how can a person pass on any kind of information if he is not prepared to even see the face of a policeman. So, there is a need to bridge this mistrust between the police and the public at large.”⁶⁵

⁶³Translation: “All's well and good”.

⁶⁴Dr. Shoaib Suddle, op.cit.

⁶⁵*ibid.*

Desegregated Recommendations

I. For federal and provincial legislators

1. There is an urgent need to eliminate the current confusion between the Police Act (1861), the Police Order (2002), and the various clones of these two, which are in operation in the various units of the federation – thus we need to standardize them and bring them into conformity and consistency, while respecting provincial autonomy under the devolution of powers through the 18th CA.
2. Enact legislation to remove the so-called “A” Areas and “B” Areas in Balochistan. This is very important for effective policing, the rule of law, and counter-terrorism.
3. Likewise, work with all political parties to enact a Constitutional Amendment to repeal the FCR 1901, to bring FATA (and also the “FRs” and PATAs) into the Pakistani mainstream.
4. Review and revise the Police Order 2002; re-enact/revive the National Public Safety Commission (NPSC) at the federal level, and the Provincial Public Safety Commissions (PPSCs) at the provincial levels.
5. Enact federal and provincial legislation to eradicate political interference in the LEAs, with inbuilt supervision and monitoring mechanisms, as well as independent checks and balances with Civil Society participation. For example, the Inspector-General (IG) of a province needs to be appointed on the recommendations of the NPSC, not by the sitting Governments.
6. Enact provisions to change the FIR based on subsequent scientific investigations and forensic evidence (e.g. DNA test results).
7. Hold an open debate on the status of the LEAs' legislation and its implementation, as well as their performance and issues, once a year in the federal and provincial legislatures, inviting all the stakeholders, including Civil Society.
8. Call for annual progress reports on the LEAs' performance

vis-à-vis the implementation of laws enacted, revised or repealed, to hold them accountable to Parliament collectively, and not to their local political influential feudals or the sitting Governments.

9. Increase the annual budget and spending on the LEAs, especially on their:
 - a. initial and refresher training;
 - b. equipment (e.g. bullet-proof jackets) and weapons;
 - c. transportation;
 - d. meals and accommodation on duty and travel;
 - e. family welfare;
 - f. life, injury and accident insurance;
 - g. physical environment.

II. For the Judiciary

1. Treat the LEAs with dignity and respect.
2. Show no leniency re. police FIRs, detention without warrants, bailable vs. non-bailable arrests/detentions, investigation, gathering medical and forensic evidence, aiding the prosecution, and all aspects of the Rule of Law.
3. Put in place effective measures for witness-protection.
4. Ensure that the LEAs are gender-sensitized and enforce their compliance with the laws on GBV/VAWG, in both letter and spirit, during court cases.
5. Show no leniency re. the prevailing culture of fake police “encounters”, police torture, custodial violence and rape, extra-judicial killings, and the increasing trend of the LEAs’ turning a blind eye to mob violence and vigilanteism, or even encouraging it.

III. For the Executive Branch

1. Treat all law enforcers equally, and abolish preferential terms and conditions, such as for the “Elite Force”; “Special Terror Squad”, “Highways and Motorways Police”, among others, as they give rise to resentment, rivalry and demoralization among the police rank and file – and a corresponding sense of “superiority” in the chosen ones.

2. Treat civilian LEAs at par with the military and paramilitary forces.
3. Allocate similar budgets for work of similar nature and value (between the civil/military forces).
4. Prevent political interference in recruitments, postings, transfers and promotions from both the Legislative and Executive branches, especially at the highest ranks: President, Prime Minister, Governors, Chief Ministers, Cabinet Ministers, Advisers, Special Assistants, Chairpersons, politicians, etc.
5. [For detailed recommendations, please see # IV below.]

IV. For the Ministry of Interior (MoI) and Senior Police Management

1. Recruit LEA personnel with care; avoid those with criminal tendencies, attitudes, or records.
2. Set minimum standards of education for each tier and cadre of police recruitment eligibility criteria.
3. Ensure that recruitments, postings, transfers and promotions are done strictly on merit alone. Utilize the NPSC and the provincial PPSCs to ensure this.
4. Provide all sections of the police forces the best professional training, and regulate their postings and transfers on the basis of best practices.
5. Send – on merit – the highest achievers to specialized units where they can build upon their previous knowledge and expertise, and hold them formally accountable.
6. Improve the LEAs' terms and conditions of service.
7. Change the uniforms worn by the police dealing with the public. [cf. subsequent noticeable behaviour change of the Motorways Police.]
8. Recruit more women at all levels and cadres of the LEAs, as an “effective measure towards redressing the current imbalance in gender parity in the police recruitments, postings, promotions, awards, and training courses for career path development.”⁶⁶

⁶⁶Excerpts from “Suggestions on Women's Empowerment for Election Manifestos of Political Parties” by Naheed Aziz & Tahira Abdullah (AF, 2012), p.35

9. “Train and transform the police into a protective, preventive, women-friendly force, respecting human rights and dignity, rather than as a means of control and repression – especially at lower tiers and junior police cadres.”⁶⁷
10. Ensure that the LEAs are gender-sensitized and abide by the current laws on GBV/VAWG during court cases, e.g. rape/gang-rape, incest, *badal-e-sulah*, *vanni/swara*, etc.
11. Train all tiers of the LEAs in “sensitivity in protecting the identity (names and photos) of [VAWG] survivors in dealing with the print and electronic media and the opposing party.”⁶⁸
12. “Incorporate into police training: a focus on human rights, Constitutional and international [Conventions/Treaties], legally binding obligations and universal human ethics.”⁶⁹
13. Ensure that the Legislators accede to the MoI's requests for increasing the annual budget and spending on the LEAs, especially on their:
 - a. initial and refresher training;
 - b. equipment (e.g. bullet-proof jackets) and weapons;
 - c. transportation;
 - d. meals and accommodation on duty and travel;
 - e. family welfare;
 - f. life, injury and accident insurance;
 - g. physical environment.
14. Ensure constant training, re-training and monitoring re:
 - a. police FIRs;
 - b. detention without warrants;
 - c. bailable vs. non-bailable arrests/detentions;
 - d. investigation;
 - e. gathering medical and forensic evidence;
 - f. no tampering of *post mortem* reports, medical exams, forensic reports;
 - g. cooperation with the Prosecution and the Defence;

⁶⁷ibid.

⁶⁸ibid.

⁶⁹ibid.

- h. and all other aspects of the Rule of Law.
- 15. Show no leniency re. the prevailing culture of fake police “encounters”, police torture, custodial violence and rape, extra-judicial killings, and the increasing trend of the LEAs' turning a blind eye to vigilantism – and even encouraging it.
- 16. Stand behind, protect and ensure that the police does not knuckle under pressure (particularly by religio-political groups) to register false/fake FIRs especially in manufactured blasphemy cases, against both Muslims and non-Muslims.
- 17. Ensure that non-Muslim Pakistani communities are provided adequate or extra protection, particularly in high-risk stressful situations (cf. Gojra, Shanti Nagar, and Joseph Colony Lahore).
- 18. Set up Human Rights Enforcement Cells in police stations.
- 19. Expand and replicate the Karachi CPLC model to other cities and provinces.
- 20. Remove disparities between the various law enforcement agencies.
- 21. Adopt and display the “Citizens' Charter” in LEA institutions.

V. For the LEAs/Police Forces

- 1. Treat the public with respect.
- 2. Be polite, courteous, friendly and community-service-oriented vs. the aggressive, “command-and-control” feared face of the LEAs adopted during the British Raj and continued beyond.
- 3. Inspire trust and confidence in the public, along with fear in the criminal underworld.
- 4. Internalize training in service orientation to make LEAs' role acceptable and effective as part of the larger community to be served.
- 5. Work hard during training as only high achievers would be sent to specialized units to build their capacity, knowledge and expertise.
- 6. Become responsible, accountable and answerable to the community.

7. Refuse to bow down to political interference and influence. Report attempts to supervisors and department heads.
8. Insist on merit-based recruitment, training, appointments, postings, transfers, promotions and benefits. Report infractions to supervisors, department heads and senior management.
9. Being the first responders, it is absolutely essential that each police station is provided the latest weapons, security uniforms, bullet-proof jackets, helmets, equipment and other security gadgets to confront terrorists, and the required training to use them.
10. Obtain the necessary information and training to functionally integrate the role of the police station for sustained and wide scale action to be incorporated in the national and provincial laws, as well as strategic and tactical plans for counter-terrorism.

VI. For the Prosecution

1. Major amendments are required in the laws and penal codes for better functioning of the prosecution system.
2. It is important to remove the glaring flaws in the investigation system.
3. The proper scrutiny of 'challaans' and ensuring that the registration of cases is done with the correct legal sections of the PPC can bring a real change in the system.
4. Prosecutors should fulfil their professional duties in an independent and impartial manner.
5. Prosecutors should promote and strengthen the rule of law.
6. The universally recognized right to a fair trial should be adopted without any discrimination.
7. Impartiality is required to build public confidence in the criminal justice system.
8. There is a need to ensure independence of both the police and prosecution, including from each other.
9. Make prosecutors more proactive and diligent, through specialized training and capacity-building.
10. Provide work guidelines, standard operating procedures

and pre/in-service training and experience to the prosecutors.

11. Strengthen the prosecutors' supporting role for trial court judges.

VII. For the Investigation and Intelligence Agencies

1. Retraining is required for ALL the civil and military IAs, to remove, eliminate and change their continuing Cold-War focus away from the left-of-centre political, academic and civil society activists, towards the growing legions of terrorists, extremists, jihadists, sectarian militants, insurgents, etc.
2. There is a glaring need to review and remove the unnecessary duplication, competition, rivalry and turf battles between the approximately three dozen IAs in Pakistan. Instead of trampling on each others' toes, they need to work together in cooperation and coordination. For this, there is a need to consolidate and decrease their numbers, mandates, ToRs, and powers. There is a need to set up an independent Joint Intelligence Directorate [cf. the post-9/11/2001 laws and LEAs/IAs in USA].
3. Investigation is a difficult task and requires specialized training and experience.

Conclusion

The above report of two seminars convened by the CRSS in Islamabad during 2014, pertaining to the LEAs and the Rule of Law, as well as on the related themes of Counter-Terrorism, and the Role of the Prosecution, were eye-openers on the actual situation of the Police Forces, their inadequacy, and their vast unmet need for strengthening, capacity-building, equipping, ensuring the rule of merit and transparency, depoliticization, eradication of political pressure or influence, accountability, and, above all, morale-boosting.

The overall and specific recommendations – compiled together above – merit careful consideration of the decision-makers and policy-makers at both the Federal and Provincial Government levels, as well as of the national and provincial legislatures.

On 4th July 2014, the outgoing Honourable Chief Justice of Pakistan (CJP), Mr. Justice Tassaduq Hussain Jilani spoke words of caution for the future of democracy in Pakistan: “Democracy cannot endure if Constitutional pledges and values fail to bring about a positive change in the lives of the people. Only the enforcement of laws and verdicts can promote values of trust and tolerance”, he said at a full-court Reference held in his honour at the Supreme Court of Pakistan.⁷⁰

The outgoing CJP added that “in a society plagued by an education deficit, steeped in a myopic view of faith, stricken by ethnic and sectarian divides, and agonised by terrorism, the apex Court would not only have to enforce Constitutional values, but would also need to act as a pedagogical institution”.

We agree with the view of a retired IGP that, in light of the importance of the role of the Police Station as a first respondent and a primary source of data, information and intelligence for the national crime database, there is a need “to train police cadres in public relations, public dealing, and service orientation”.

⁷⁰“Democracy can’t endure, if laws not upheld: CJP”, Dawn News <http://www.dawn.com/news/1117216/democracy-cant-endure-if-laws-not-upheld-cjp>, retrieved November 14, 2014

In other words, it is not at all necessary to recruit a thief to catch a thief. Or to politicize the police. Or to treat the civilian LEAs, intelligence agencies and the police forces as subordinate or 'inferior' in any way to their military counterparts. Or to under-fund, under-pay, under-train and under-equip the civilians on a comparative scale, relative to the military.

Such comparisons come into the limelight during emergencies, crises and disasters – both human-made and natural, e.g. the Earthquake (2005), Swat IDPs (2009), National Floods (2010), North Waziristan IDPs (2014) and the Floods of Kashmir and Punjab (2014). For instance, if the Police and the Civil Defence forces had sophisticated and technologically advanced digging equipment, sniffer dogs and motorized river-boats – just like those of the armed forces – then it would be the Police Force in the vanguard of the search, rescue and relief efforts, rather than the armed forces, by default.

We also agree with a retired IGP's thinking: “The police should be neutral, to the extent that the vulnerable segments of society, like the women, the minorities, the old, and the needy, upon seeing a police station, can say that this is the place where they will be provided with protection and service. Unfortunately, our police force is meant to frighten the people rather than protecting and serving them.” We hope that the recommendations of these two consultations will help towards bringing positive changes.

Taken together, the above sets of recommendations are expected to be read and viewed with the seriousness they deserve. It is earnestly hoped that it is not too much to expect them to be acted upon as well. All it takes is Political Will and the Commitment of our Rulers to Walk their Talk.

PART 3: ANNEXURES

Annexure One: Interviews

Interview: Mr. Mushtaq Ahmad Sokhera, Inspector-General of Punjab Police

Crime and Security Issues

Inspector-General of Punjab Police, Mr. Mushtaq Ahmad Sokhera separated major rule of law problems into two major categories – crime and security. He considered kidnapping for ransom, extortion, robbery with murder and street crime as major concerns for the Punjab police in the category of crime. He placed sectarianism, extremism and terrorism in the category of security.

Frequent Public Complaints

The IGP agreed that faulty investigation, non-registration of cases, high-handedness and corruption are the most frequent complaints against the police.

Weaknesses in Law

He shared that the Criminal Justice System is governed by different laws and its three organs – police, prosecution and judiciary – implement this system. The IG, however, pointed out weaknesses in the system, such as the gaps in the Evidence Act and substandard quality of evidence, restricting police to submit valid evidence before the courts. He explained these flaws, that the evidence is either primary or secondary and the first one is direct evidence and the second corroborates the first. The corroborated evidence comprises forensic and circumstantial facts and the judiciary relies on the primary evidence which mostly does not support the case for conviction. This, he said, is a central issue for the police as the courts focus on primary evidence which is usually not available.

Capacity

The IGP admitted that the specialized capacity of the police has not been developed – there are no separate units for homicide investigation, terrorism and kidnapping for ransom. These weaknesses, he said, affect policing as a whole, despite its compatibility with the fundamentals of the rule of law.

First Information Report (FIR)

Mr. Sokhera said the spirit of the law is that the First Information Report (FIR) is a mere first information report about any cognizable offence which should lead the police to the investigation automatically, but with the passage of time the courts have given sanctity to the FIR to the extent that it has become a charge-sheet instead of a document to start the investigation, meaning thereby to collect evidence, to find the accused and to produce evidence in the court of law.

“The FIR is the starting point of any investigation. Going through several decades old FIRs, I read an FIR of pre-partition that stated one incident in only one sentence that a watchman of a village has come to the police station and reported about the murder of a man. The officer mentioned in the FIR that he was heading to the crime scene. Quoting the Indian Supreme Court's ruling that one incident could not have two FIRs on the same ground that an FIR is the beginning of investigation. In Pakistan, people file writs in the courts to register cases over cases. He recalled the trend of more than one FIR started for the first time in the case of Zulfiqar Ali Bhutto with three FIRs. He says only one FIR in a cognizable offence is sufficient to investigate the case and bring evidence to the court of law. The FIR should be the foundation of the prosecution while its thorough investigation and evidence regarding its genuineness is established.

Autonomy

Mr. Sokhera advocated autonomy for police, as in many other countries, to improve policing in Pakistan. Merit-based appointments and non-interference by politicians and bureaucracy will help improve policing.

He said the general consensus among police officers is that there is outside political interference in Punjab police in terms of transfers and postings, registration of cases and investigation. He also agreed that social pressures from family, friends and colleagues and financial pressure also influence police functioning. Mr. Sokhera ruled out the military influence on Punjab Police, saying the police are independent in fighting crime and maintaining law and order. The military or paramilitary forces do not undermine the police force. He said these forces have no role in policing and they are called only to assist police in an emergency security situation.

Accountability

Every department has its own internal accountability mechanism and there is an independent external system as well. Police have its own stringent system to fight corruption in its ranks and it is the toughest mechanism as compared with other departments. The IG, however, said police are not responsible to look into or investigate corruption in other departments as there are independent watchdog departments for this.

Religio-Political Groups

He acknowledged the impact of religio-political groups on police functioning as these groups exert pressure on police, especially in blasphemy cases. These groups usually create a law and order situation.

Resources

The police system requires resources as its capacity does not match the challenge to combat organized crime. There is a dire need to improve the quality of human resources. Training, infrastructure and police capacity in terms of technology, equipment, and transport are also needed to be improved.

Interview: Haji Habib ur Rehman, ex-Inspector-General of Punjab Police

Haji Habib ur Rehman said that crime eradication is a joint

responsibility of police, prosecution, jail administration and judiciary. He said that the Criminal Justice System has failed to deliver in Pakistan. The police in Punjab are not even performing their 25 percent role due to certain political and administrative reasons. The most frequent complaint in the police department, he mentioned, is corruption and the whole system is based on it: faulty investigation leads to injustice which means the corruption factor is there. Furthermore, the FIR lodged under Section 154 of the CrPc leads to investigation which means 'sifting of truth from falsehood' and the investigator's real task is to ensure a fair investigation. Mr. Habib ur Rehman believed that the police can play an effective role in countering terrorism but the criminal justice system does not support it because the arrested terrorists are not convicted by judges who face life threats.

He added that the field officers, especially district police officers and station house officers (SHOs) are the most affected segments in the police department which deals with political people the whole day and are forced to do them undue favours. Even the field officers are transferred by the government on complaints of legislators in case their demands are not entertained. He asserted that police autonomy demands fixed tenure of the police commanders, like the three years given to the Army chiefs. All DPOs will remain secure if the IGP is secure and if the IGP is insecure the officers will look up to the politicians for their postings and the whole system will eventually collapse.

In addition, he believed that improved working conditions for the police, like proper buildings and related accessories, eight-hour duty shifts, improved perks and privileges, and more government care and priority as a whole are required to have an efficient policing system.

Interview: Dr. Shahzad Asif, a serving District Police Officer from Faisalabad Region

Commenting on the problems related to Rule of Law, Dr. Shahzad Asif said that ineffective recruitment procedures, poor training, lack of accountability, no welfare projects for junior police cadres, and ineffective community policing are the major challenges. He said that the most frequent complaints against the police are corruption and bad

attitudes. Dealing with corruption, he believed, does not come in the jurisdiction of the police and for this purpose the National Accountability Bureau (NAB) and Anti-Corruption Establishment exist.

In his opinion, political institutions have a huge influence on the recruitment process: politically-recruited officials prefer to work for the advantages of the politicians. Political influence, he said, plays a damaging role in the form of unnecessary transfers of personnel. This weakens the police system. He said that the basic function of the police is to combat crime but eighty percent police functions are related to public service and 20 percent are as a fighting force while military and paramilitary forces are totally considered as combat forces. Their way of duty is totally different as compared to that of the police. Dr.Asif suggested a complete transformation of the CTD, which has been assigned special tasks and functions with the help of the police and other law-enforcement agencies, to lessen the rate of incidents of extremism.

Interview: Senior Superintendent of Police (SSP) Dr. Haider Ashraf

Dr. Haider said that policing in Punjab is touching its lowest ebb: shortage of strength, want of capacity, lack of training and equipment, absence of systems, lack of Information Technology, and old ways of thinking. According to him, a non-serious approach, corruption and high-handedness are the most frequent complaints against the police. He said policing mechanism is not completely compatible with the fundamentals of rule of law and asserted that the pre-FIR or initial inquiry must be the basis of the FIR to discourage the trend of lies and falsehood.

He said that the Punjab police force practically faces political interference in its administrative and investigation functions: the transfers on directions of politicians have damaged the operational quality of policing in general. Dr.Haider was of the opinion that merit-based appointments and non-interference by politicians and bureaucracy can definitely help in better and effective policing.

Interview: District Police Officer Rana Ayyaz Saleem

Rana Ayyaz Saleem said that incapacity, lack of logistics and funding,

red-tapism, lack of institutionalized decision-making, political and extraneous influences as the major Rule of Law issues are affecting administrative and investigation areas. He said that the most frequent complaints are non-registration of cases, faulty investigation, attitude problem and corruption. He suggested that the FIR system should immediately be done away with.

The problem, RanaAyyaz said, does not lie alone with the police, as even the courts count the FIR as a sacred document which is against the spirit of law, since the FIR is just a piece of information. The real strength, he believed, lies in the process and completion of investigation. But the FIR is falsely considered a fundamental of every prosecution. Its procedures need changes.

Interview: Mr. Sharf uddin Memon, Advisor on Home Affairs to Chief Minister Sindh

Mr. Memon said that people have been demanding and the need was felt to reform the police in Sindh. A police free from political pressure, reforms through law and service oriented police is the target. The Police Order 2002 provided the way to create such a police force in the country but unfortunately it was never implemented. The opposition came from the politicians as well as the police department, as it provided an effective accountability system within the department and effective monitoring from outside as well.

The Police Order 2002 provided for the establishment of the Public Safety Commission, Police Complaint Authority, merit-based recruitments and transfers and postings. Had this system been allowed to work, improvement could be hoped for.

But vested interests in the police, bureaucracy and politicians pressured to get rid of it and they succeeded. At the moment, the police in Sindh province are governed under the Police Act 1861.

There is a need to reform the police and bring a new law with authority, transparency, accountability and merit. This task must be taken up on priority basis. In addition to a major overhaul exercise, a few things need

to be done urgently. They include:

1. Increase of numbers in the police force. For instance, in Karachi approximately 34,000 police personnel are deployed. But some 17,000 are on operational duties including operations, investigation and traffic. The rest are on security duties or special assignments, or working as domestic staff like drivers, gardeners etc. at police officers' disposal. Karachi needs at least 50,000 police force to manage the mega-city plagued with crime, gang war, extortion, kidnapping for ransom, and terrorism.
2. To improve the command and control system in Karachi, more vigilance cameras need to be installed. Currently 900 cameras are installed but at least 5,000 are needed. They must be directly connected to the command and control centre. The Sindh government is working on a plan to increase the number of cameras and establish a highly sophisticated command and control centre. Under the proposed system cameras will also be installed at police stations gradually. It will start from Karachi and will expand to other parts of the province in phases.
3. Although the witness protection law is in place in Sindh but it is not implemented as yet.
4. The Sindh government has announced the new recruitment of 10,000 men and women in the Sindh police force. The problem with recruitment is that it is always done either under political pressure or through bribery. This time the police department plans to constitute an independent committee to oversee the recruitment process and ensure all hiring is done on merit. (CRSS interview)

Interview: Mr. Nazim F. Haji, Chief, Citizens' Trust Against Crime (CTAC), Karachi

“We started this organization in 2013. We have assessed the crime situation in Pakistan, Sindh and in Karachi in particular. During the

course of our study, it was found that there are three main elements helping criminals:

- 1) Mobile cellphone Sim cards;
- 2) Vehicles;
- 3) Arms and ammunition.

“The CTAC took up the task of regularization of vehicles. It has started in Karachi and will be extended to other parts of the province. It was found that 30 to 40 per cent of government vehicles were not registered and were not paying taxes. In the police department, the situation was worse where 100 per cent police vehicles were neither paying motor vehicle tax nor registered with the Excise department. They use their own numbers.

“In the police department, this practice was continuing since 1947. With our efforts, Rs.840 million were transferred to the Excise department from the police through a book adjustment to clear the arrears and backlog and the process of registration of police vehicles is underway.

“The citizens are suffering at the hands of government departments. The Excise depart had initiated a project of issuing security number plates of vehicles and stopped issuing normal number plates. With the results the vehicle owners are not getting their registration number plates from the Excise department despite paying tax and fee for the plates. On the streets, police is harassing such vehicle owners for not having official number plates. Ironically, the project of issuing security number plates is challenged through the court, with the result the citizens are suffering. However, the CTAC is working on regularization of all vehicles in terms of registration as well as tax payment.

“A government that cannot issue number plates on time, how can it really control crime. The government departments including police are to blame for such a situation”.

Digitization of Criminal Record of Sindh Police

The CTAC has, through a study, evaluated the capacity of the police in

various areas and found that the criminal record was prepared and managed manually. And that too is done in a manner that does not conform to the needs of the present day.

We have now launched a plan to digitize the criminal record office. The software is developed and is going through testing at the Criminal Record Office (CRO). Hopefully, very soon the criminal record will start shifting to a digital database.

Initially, the digital crime record system will be installed at the DIG office in Karachi and later all SSPs, DSPs and police stations will be linked with this system. The operations will be handled by the police department whereas CTAC will have a monitoring role. Ultimately, all police stations will be connected to this system. However, the Sindh government has to provide finances for this vital project once we develop and hand it over to them.

Biometric Verification Facility

The CTAC took up this issue with the Interior Ministry and with the intervention of the Federal Interior Minister, NADRA has agreed to provide biometric verification facility to the police also. With digitization and computerization, and equipped with modern tools, the police can perform better while combating crime.

Police Foundation Funds

In 2005, through the federal government, donors provided Rs1.5 billion to the Police Foundation and tasked the organization to provide hardware to the police departments of the four provinces. Some hardware was supplied to the police but was not seen in use anywhere in the country during the study conducted by the CTAC.

(Mr. Nazim F. Haji was the Founder-Chairman of Citizens Police Liaison Committee (CPLC) and now runs another organization: CTAC, working on improving and digitizing the police database and connecting police offices and police stations through computerization and networking.)

Interview: Mr. Akhtar Husain, Former Vice-Chairman, Pakistan Bar Council, Karachi

1. The issue is not police and police related complaints. In Pakistan, the real issue is governance.
2. The criminal justice system has stopped delivering.
3. The system is hostage to political power and feudalism.
4. This situation is also linked with our social behaviour and political parties have to play their role, but they are not committed to the rule of law.
5. Need to reform laws is important but the will to ensure rule of law is a must. Otherwise, whatever law you make, nothing will change.
6. In the police force, right from registration of the FIR, to investigation and presenting the case in court, lies are used as a tool to manipulate the case.
7. There is a need to reform the judiciary also along with the police force, to improve the working of the criminal justice system and to ensure dispensing of justice.
8. The main issue is that influential beneficiaries do not want to give up power and control over the system.

Interview: Mr. Zafar Farooqi, former Assistant Inspector-General Sindh Police

1. In my long service in the police department in various capacities, I have only seen lip-service being paid to reform the police.
2. Only the Police Order 2002 was a concrete effort, but that too could not succeed due to political reasons and opposition from within the police department. Fourteen amendments were made in the law in a short span of time, on the pressure of politicians in the government and in the police department itself. All these amendments were made either to retain politicians' control over the police force, or by the police itself to avoid accountability. The result is that the

Sindh police are still governed by the Police Act 1861.

3. Nothing has changed in the last 40 years. The only change I see now is that we talk about the issues openly.

The situation today is:

1. The police force does not have the required strength.
2. The police officers are not recruited, promoted, transferred or posted on merit. This situation is a result of political pressure and corruption. For instance, head constables, who appeared in the Sindh Public Service examination for promotion and appointment as ASI two years ago and passed the exam, are still fighting their case in the Sindh High Court to get justice.
3. They do not have proper training and capacity. They are not provided with proper duty gear and facilities.
4. Lies prevail in the system and start from the registration of the FIR. The complainant often lies while registering the FIR and sometime the police also add lies in the FIR with the consent of the complainant. And that leads to poor investigation and prosecution. That also is indicative of the prevalence of a high level of corruption.
5. Academic qualification and capacity of the police at the lower ranks is very poor. The time has come to enhance their academic qualifications, particularly in specialized branches of the department like investigation, forensics, IT, etc.
6. Tenured posting of officers with targets should be ensured and that too on merit.
7. Police welfare is one of the vital areas ignored by the government. A comprehensive welfare plan, including housing, education, health, etc. must be provided to police personnel of all ranks

Interview: Mr. Zafar Bukhari, Deputy Inspector-General of Police, Sindh

1. The police force requires more human power to balance the police-population ratio. Consider a comparison: In Mumbai there is one policeman for 330 people. In Karachi, by contrast, the ratio is 1:1500.
2. The police force needs capacity building through training. Specialization and skill development in various branches is needed. Recruitment and appointments must be made in all branches and any officer recruited or appointed in a branch should serve in that branch till he reaches and serves at the SP level.
3. At least graduates should be recruited in the police force. Better qualified police personnel can bring about a change in the working and behaviour of the police force towards citizens. All recruitments should be made through the Public Service Commission.
4. The police force must be provided with logistics, weapons, training, equipment, etc.
5. The police department is focussing more on training and a massive program of training has been launched with the help of the German Government. Other governments and donors are also providing similar facilities and help through providing equipment and modern facilities needed to combat crime and improve investigation.
6. Posting of officers should be tenure-based.
7. Police welfare must be given priority: their salaries should be enhanced; they should be provided with housing, education and health facilities. A comprehensive compensation package in case of death in the line of duty should be provided to the bereaved families.
8. Above all, the police force must work independently; the police chief of the province must be autonomous, and no political pressure should be applied or interference done in day to day police working.

Interview: Mr. Azhar Rasheed Khan, serving DIG Training, Sindh Police

1. The police force is the reflection of society. There is nothing bad about the law itself, the problem is with us (the society) as nobody wants to follow the law.
2. The governments in Pakistan try to undo what their predecessors have done. Scrapping the Police Order 2002 is a classic example and so is the Local Bodies system. No province has made rules. Local body elections are not held.
3. Police officers themselves are ignorant of laws. Had the police been conversant with the laws, the Punjab police would not have arrested a nine month old baby.
4. Political, religious and ethnic groups and mafias exert influence and pressure which directly impacts policing.
5. First, as a department, we have to realize where we are wrong and admit it, and only then can we work towards reform and improve the police force.
6. Lack of political will, interference from political forces, the establishment, illiterate populace, etc. are the main hurdles in reforming the police.
7. A new police law is needed to make the police independent and free from political pressures.
8. Merit-based recruitment, transfers and postings can go a long way in promoting an effective policing system that can control crime, fight organized crimes and bring about improvement in the working of the police.

Interview: Mr. Abdur Razzak Cheema, CCPO, Balochistan

1. Due to lack of awareness in the society, law enforcement problems arise and subsequently Law Enforcing Agencies have to work hard., If society accepts the rule of law and citizens submit themselves before the law, it will have a very positive impact.
2. In Balochistan, 95% area is policed by the Levies and 5% by

the regular police force, while the Frontier Corps (FC) is everywhere in aid of civil authority. Both the Levies and police have different command and control systems. The Levies have training quality issues that should be addressed. The Police are trained to handle routine crimes, but now the forces have to be trained in counter-terrorism.

3. The Police strength in Quetta, the provincial capital, is 5,700, along with 200-300 FC personnel, according to our requirements. We used to have issues of inadequate funding for investigation costs last year, but now they have been resolved.
4. Crime eradication and counter-terrorism is a joint responsibility of the police force, Levies and Frontier Corps. The FC have the capability to deal with the sectarian- and nationalism-related terrorism, besides protecting the border installations, railways and roads, and anti-smuggling duties. The Police have the primary responsibility to check narcotics smuggling and gun running, but not contraband items smuggling.
5. All the laws which apply in other parts of Pakistan (except FATA) are also in force in Balochistan.
6. A major issue in the rule of law is that Balochistan has a traditional culture where the people prefer to resolve their issues through local traditions (e.g. jirgas) instead of going to the police or a court of law. But despite that, the police force does not face a problem while dealing them in accordance with the law.
7. The police forces do not receive any public complaint against the Frontier Corps (FC), which have their own system in this regard. But despite that there is no harm, if somebody wants to bring a complaint to the police force, we will forward it to the Home department or the FC authorities.
8. The LEAs mechanism involving the Police, FC and Levies, is compatible with the fundamentals of the Rule of Law., These forces are working together against crime and terrorism.
9. The police force has its own internal system against

corruption, but no mandate for the same against other departments.

10. "There is no political/military pressure on the police about posting and transfer of police officers or interference in investigations of the cases."
11. There is great impact of the nationalist insurgency on policing as there used to be traditional policing in the past. A number of police officers moved back to Punjab or opted for compulsory retirement in the wake of targeted killings of "settler" (sic) police officers, so now the police force has to evolve a new strategy for the new situation.
12. We have equipment and the army training facility, which is a great help and the Police Training College replicated the same training. It will take three years to train the required number of police personnel and we have so far 650 personnel trained by the army.
13. Many steps have been taken to bring reforms in policing mechanisms like equal distribution and balanced police human power in the districts, army training, erecting security gates at vital security points, installation of security cameras in Quetta city, recruitment on merit, plan to install scanners/explosive detectors at entry/exit points, etc.
14. The existing laws are enough, but they are not even fully implemented. The Protection of Pakistan Act (POPA) will help the Law Enforcing Agencies in nabbing genuine terrorists and remove hurdles like short-term remands of the accused, and eye witnesses refusing to appear before the court of law to give evidence.
15. People as a nation should be determined against terrorism and come forward to help the Law Enforcing Agencies and there should be a permanent body for long-term investigation in terrorism cases other than the police and intelligence agencies.

Interview: Mr. Akbar Hussain Durrani, Secretary Home and Tribal Affairs, Government of Balochistan

1. Balochistan has been ruled by sardars/tribal elders till Prime Minister Z.A. Bhutto abolished the system and subsequently different governments framed laws. Unfortunately the troika of criminal justice system: the police, levies, prosecution/courts have not become strong and subsequently the conviction rate in the courts is 7 to 10% as compared to Japan, USA, etc. where the rate is 90%. The government faces problems in providing equipment, specialized training, forensic law etc. There is no bar under the law for the police and levies to act in "A" or "B" areas in hot pursuit or raids.
2. The FC have been given police powers under Section 5 and 6 of the Anti-Terrorist Act. 500 FC personnel are deployed in Quetta besides 1,200 for protecting the rail tracks and roads for specific durations. The government pays internal security allowance to these FC personnel, an expenditure of Rs. 10 to 15 million per month. The annual budget of the police force is Rs. 9 billion and the Levies is Rs. 4 billion while the government recently allocated Rs. 2 billion for both forces for new equipment, bullet proof jackets, etc. Over 200 Levies personnel have been recently trained by the army for combating terrorism.
3. The federal government formulated a policy for Balochistan, to deal with miscreants. The first part, which comprises information from intelligence agencies, has been kept secret for security reasons, and the second part is the operation, that has been divided into three parts: (i) Dialogue, (ii) Action, and again (iii) Dialogue. The FC have a primary role of border management, including checking for narcotics and weapons. However, the Customs department has the role of checking contraband/ smuggled items. The Police/Levies have no role in border control, however they operate in the border towns under the law.

4. All the laws are applicable in all areas of Balochistan and 7 ATA courts are functioning. The PoPA, that puts the onus on the culprits to prove their innocence, while earlier they went scot free. 17 cases have also been registered under the Act and some of the culprits have already been arrested.
5. The major rule of law issues include tribal enmities, gun running, licensed weapons of non-prohibited bore in great number, non-availability of a Forensic Lab in the province, incompetency of officers in investigation, etc.
6. Most of the complaints the Home department receives against the FC are about the behaviour of its personnel towards the public during raids or normal checking because of their personnel not being indigenous.
7. The role of the FC, Police and Levies in combating corruption is to help other agencies like the Anti-Corruption Department and NAB, to arrest the culprits.
8. In the past the Police/Levies officers were influenced, but now after the Supreme Court judgement in the landmark Anita Turab case, the officers should feel protected against such pressure/influence. But no demand has been made by the army officials to favour their officers in postings and transfers.
9. The sub-nationalist insurgency has created no serious impact on policing in Balochistan. The 2013 general elections, followed by local bodies polls, have eroded separatists' influence (what meagre they have). They are now confined to small actions like land mines blasts or attacks on outer posts of the security forces.
10. Obviously this policing can prevent and detect crimes, but the challenge we face is to boost the morale of personnel, and provide them equipment, training, etc.
11. Public confidence in the police should be restored, besides bridging the trust deficit between them, equipping the forces with modern knowledge vis-a-vis terrorism investigation, recruitment on merit and overcoming budget constraints.

Interview: Mr. Hamid Shakeel, Assistant Inspector-General Police (HQ), Balochistan

1. The Levies force is totally ineffective as there is no implementation of the rule of law in the “B” areas under the Levies, while even the police keep the local traditions in view in implementing the laws in the “A” areas.
2. Training and exposure visits for police officers on the pattern of the Punjab police are needed. The terrorists normally attack the regular police force instead of the ATF which retaliates in the same manner.
3. Balochistan is in a war-like situation, so its police force should also be trained for the same environment.
4. There is a positive role of the Pakistan army in imparting training and providing weapons to the police force.
5. The deployment of the FC time and again is irrational as it loses its deterrence among the public.
6. Border management through the FC should be strengthened so that the police force does not face pressure.
7. The police force may be provided explosive detectors, sniffer dogs, and big scanners to keep an eye on the anti-state elements at the exit/entry points.
8. The police have to rely on other agencies for information as they lack communication gadgets for locating positions of suspects and listening to their conversations, and also lack GSM locators, Armed Personnel Carriers (APCs).
9. Laws are needed for the protection of Judges hearing the cases of persons accused of being involved in terrorist activities, as well as for the prosecutors, police officers and witnesses.

Annexure Two: Papers Presented at the First Seminar

Mr. Ahmer Bilal Soofi:

A Lawyer's Perspective on the Challenges that the Prosecution Faces

The topic that I will talk about is a lawyer's perspective on the challenges that the prosecution faces. I want to flag the point that rule of law does not mean the rule of Constitutional document alone but, the rule of law means "pursuant to the Constitution throughout the territories of the State".

There are about 8,000 federal laws in Pakistan. When we talk about rule of law, we must understand it means implementation of 4,000 federal statutes and 3,500 provisional statutes. Rule of law also means the rule of International law and implementation of commitments made through treaties, international conventions and through the UN framework. Pakistan in a determined manner postures itself as a responsible state by upholding the rule of international law as applicable to it through its treaties, conventions and binding resolutions and also 8,000 federal statutes that the State has legislated.

The rule of international law will help clear the debate in Pakistan and it will also help clarify the narrative that we have to move towards counter-terrorism. We are doing it not only pursuant to uphold our own Constitution and laws made thereunder, but also the international law obligations that we had committed to the international community, whether it is through Security Council Resolutions 1373 and 1267 or the counter-terrorism conventions.

We have an obligation to curtail the threat of terrorism within our frontiers. This also means that our criminal justice system must be strengthened by all elements of the criminal justice system, whether it is the selective area of operations, civil armed forces operations, or military operations. Use of force by the military or by the state is of course a reluctant choice. But when you have a serious public disorder and the Constitution cannot be implemented, then you are left with no choice but to mobilize the monopoly over violence which states traditionally have in a structured manner.

So when we have a normal situation of an unlawful assembly in a city, we will mobilize the applicable law, which is a criminal procedure court legal framework, to contain the level of conflict or violence for some days. When you have to fight terrorism in a city like Karachi then you raise the level, and the law applicable also changes. Now it is the ATA (Anti Terrorism Act) section 4 or 5, pursuant to which you called in the Rangers in aid of civil power.

When you have the third level, where certain terrorists, in addition to being criminals, are also trying to assert unlawful control over the territories of Pakistan, then you have to call the army in aid of civil power, pursuant to Article 245. The legal regime for the third level is “action in aid of civil power regulations 2011”. So the levels of violence attract different applications of laws. The next step is to carry out an operation against the criminals or terrorists. At this stage, you clean the certain area of the people who are attacking the state. Some may have been killed or could be a casualty and most of them may have been arrested, so what do you do? Those who are arrested pose a challenge to the criminal justice system of the state. If the state is successfully prosecuting them, then it is demonstrating its capability as a responsible state and if it is unable to prosecute them successfully then its credentials as a responsible state are in jeopardy.

So the entire chain of the prosecution mechanism from arrests during a “clean-up operation” is a small subset of the entire process. Now that you arrested people in Karachi, FATA and PATA, what do you do with them now? Does the state give itself, through proper legislation, sufficient time to prepare cases against them? The normal law of the land, which is ATA, permits you to retain people for a maximum period of 90 days and if you remain unable to submit their challans to the courts then you have to release them.

So if the operation requires the arrest of 50 or 60 people then 90 days perfectly make sense. The state can manage the burden of 50 or 60 cases in 90 days and prepare challans and submit them in courts. But if the number is staggeringly high at many times that figure, then the state would require more time. For example in Karachi, the burden on the state machinery would increase, requiring it to submit challans of over 3,000 arrests within 90 days for sustained conviction from the courts.

When I was a member of the Investigation Committee, I stressed the need of amending the ATA. The state needs to give itself more time to prepare court-worthy cases. Otherwise the gains that you make in the operations, you will lose in the courts. These people, after being acquitted and bailed out, will come back to haunt the public order of the city. Sufficient time and logistics are the prosecution's primary challenges.

Do we have a logistics supply chain in the prosecution? I applied some principles to make an assessment. If we were to divide 3,000 suspects in Karachi for example, we need at least 50 specialized investigating officers and the same number of specialized prosecutors. It is still a huge burden fulfil the requirement of 90 days even if 3,000 people are divided between 50 investigation officers. You need to give time to collect evidence and statements of witnesses to frame the charges accurately, which means proper legal advice on the charge itself.

Under what provisions should the charge be framed? Will it be synchronizing with the forum venue or not? Will it make the charge without jurisdiction or not? If you are prosecuting someone in the ATA court, can you prosecute them under 121-PPC, as it deals with those who have been or are waging war on the state, and is not in the schedule of the ATA?

These are the kinds of technical questions where the investigators need to be guided by a group of prosecutors, who should be well-versed in these areas. Then, for backup you need legislative support for this mechanism. Legislative support means using the existing laws in an innovative manner.

Pakistan had the Private Army Prohibition law of 1974 pursuant to which the federal government can notify private armed gangs and private armies as notified proscribed armies. This means that you can convict them for five years merely because they are members of proscribed private army. This is separate from “proscribed organizations” in the ATA by the way. These are the legal measures that are available to you that can be innovatively used when framing the charges, provided the prosecutors are aware of that, well trained and supervised. So challenges to the prosecution are of creativity, time and

logistics. You need deployment of investigating officers at an industrial scale to handle the prosecution of suspects in Karachi. At least 50 judges need to be appointed afresh, otherwise these people are free again. Same is the case in KPK and elsewhere - wherever the number of arrested people is large.

The recent legislation is extremely helpful but again it is being dragged back because of logistics issues. The Fair Trial Act 2013 is an innovative law under which one could obtain a warrant of interception and surveillance from a High Court Judge in chambers through the Interior Secretary, and intercept the conversation of a suspect, and that intercepted material would be admissible in evidence because of this law.

Earlier, intelligence agencies would carry out the interceptions and that interception would not be admissible in High Courts or the Supreme Court. If you notice, in the Adyala 11 case, this was a serious issue between the Supreme Court and the ISI. The ISI constantly said that we think that they are genuinely guilty and we have these interceptions and the Supreme Court said it is not admissible evidence and we don't recognize it as evidence.

But this would now come to an end because of the Fair Trial Act framework, which says that now the intercepts through the warrants of interception obtained from a Judge of the High Court in chambers will declare this admissible. It is a model close to RIPA (Regulation of Investigation Powers Act) in UK and other similar legislation in India.

The 18th Amendment has given very interesting openings to the provinces to consider legislative measures to counter terrorism in their own provinces, keeping in view their own provincial environment. Criminal law has not been devolved to the provinces, but law and order is effectively devolved. Nothing is stopping the provinces to innovate new legal structures on the procedural side and also on the substantive side. But I don't see any serious thought process in this regard in any of the provinces so far.

The idea that we need more time for prosecution was one of the reasons why we had the previous POPO (Protection of Pakistan Ordinance) and

now we have the POPO Plus, which is the amendment to the Protection of Pakistan Ordinance. I don't go along with the language, as I believe some of its provisions are not in harmony with each other and are not harmony with the Constitution. The purpose seems to be to place a premium on this document because of its preamble. It is the first legislation by the government, in which the political position of the government has been legislatively expressed clearly - that there is a waging of war on the State of Pakistan and that is the preamble.

So while I am not very sure about the provisions, the preamble for the first time gives a legislative expression to the political position that was so long awaited from the Government, that yes, we are at war and yes, there is waging of war activity against the State of Pakistan. The need for creating a legal regime for retaining people for a longer period of time arises in two situations. The first situation is missing persons, which is completely different from the need for retaining people in law enforcement operations and they should be separately treated. The POPO confuses them together. A missing person situation can happen in peacetime but when you are having a law enforcement operation then you are triggering a unique jurisprudence called “in aid of civil power”, that is prevalent in India, Sri Lanka, Pakistan and Bangladesh in a common law environment.

“In aid of civil power” has been codified in Article 245 of the Constitution, which further says that when in aid of civil power operations will be held, the fundamental rights will not be implemented by the High Courts. So there is a Constitutional pause in the enforcement of fundamental rights. It is during this pause only that legislation can be made which can deviate from fundamental rights. But the prerequisite is a notification, when a notification is made under Article 245 or ATA, until it is time to withdraw only during this duration. If this notification is not in place, and you make such legislation, then it will be viewed as contrary to the Constitution. Unless it is structured and interwoven around the Constitution in terms of Article 8 which also creates escape hatches for making legislation when public order is disturbed and it empowers the police and the armed forces.

The law governing the police force, or the Police Order or the Police Act, can possibly contain a provision in my view under which people can be

retained even in peacetime to fulfil their duties. That's exactly how the Article 8 is formulated in the Constitution. So one can use the rule of law paradigm to stay within the four corners of the Constitution and come out with innovative solutions.

My last point would be that the police legislative support also needs to be reviewed. When I was the Federal Law Minister, one of the events that I participated in, I was shell-shocked when some of the police officers said that “We don't know under which law we are being governed, because when we are in Quetta there is a separate provincial Police Law, when we are transferred from Quetta to Lahore we are now governed under the Police Order, and when we transferred from Lahore to Karachi we are now under the Police Act”. There is no clarity as to which law covers the Northern Areas and AJK framework.

This is a very serious confusion. If the Police force itself is not completely clear about its mandate then how they will enforce it? The powers of policing vary from the Police Act to the Police Order. So in the provinces which have the Police Order, the same SHO will have different powers when he is transferred to Karachi or Lahore and that's a very serious confusion. I don't mind the provisional autonomy to adopt one law or another law, but I would insist that there should be a federal strategy in which these choices should be subsets of it. The federal government and the police force should know that some provinces prefer the Police Order, other provinces, for political reasons, are aligned to the Police Act, but all this should be part of a strategy. We don't have that clarity regarding the Police Act or Police Order.

Mr. Robert Perito:
"The Role of Police in War"

My remarks today are based upon research that resulted in a book that I co-authored with Professor David Bayley. The book is titled: *Police in War: Fighting Insurgency, Terrorism and Violent Crime*.

In researching the book, we reviewed the literature on countering insurgency and terrorism and controlling crime. We found the strategic principles and the role of the police is the same across all three dimensions of violence:

1. The role of the police is to protect the community and to establish effective relations with the public. In order for governments to gain public support, responsibility for security should be entrusted to police deployed among the population.
2. There is growing acceptance, among experts on public safety, that the key to preventing violence against the state and its citizens is policing that establishes the legitimacy of the government and wins the support of the public.
3. Police are the public face of the government. Police can be a source of legitimacy for the government. By performing their duties in a professional and fair manner they can build support for the government they represent.
4. Alternatively, police can discredit the government and drive the population to join terrorist or criminal groups if they are abusive, corrupt, or fail to protect the community.
5. The police are one part of the criminal justice system. Their task is to provide for the rule of law in cooperation with the courts and prisons. Without the courts and prisons, police cannot properly perform their functions.

How do the Police Counter Terrorism?

1. Acts committed by terrorists are crimes. Terrorists are criminals. Often would-be terrorists commit petty crimes to obtain money or material to perform terrorist attacks. Treating terrorists as criminals makes terrorism the subject of law enforcement and the responsibility of the police.
2. This approach has been taken by the London Metropolitan Police (aka Scotland Yard) and the New York Police Department, which have treated terrorism as a crime and a problem of police-community relations.
3. This police-centric approach has proven effective at a far lower cost in lives and property damage than using military forces. Law enforcement is an effective method to control terrorism and violent crime.
4. In many cases, police officers performing their routine duties have arrested criminals and then discovered that they

were planning a terrorist attack.

5. Here are a few examples from the U.S. experience: Timothy McVey, the Oklahoma City bomber, was arrested within hours by a police officer who stopped his car because of a broken tail light. The Millennium Bomber was arrested by a customs agent who made a routine check of his vehicle for narcotics and discovered explosives. In New York, the Times Square Bomber was foiled by members of the public who noticed suspicious activity and called the police.

Core Values-Based Policing:

1. The relationship between the police and the public is critically important. In countering terrorism, the most effective tool that the government has is the allegiance and support of the public.
2. Killing or capturing terrorists at the time they are engaged in a terrorist attack is not an effective solution to insecurity. The solution is to identify would-be terrorists before they commit acts of violence, utilizing information provided by citizens to the police.
3. To make this approach work effectively, the police must realize the importance of working with their fellow citizens. They must also adopt a community-oriented approach to policing.
4. Police establish effective relations with the public in three ways: by being available, responsive, and fair. In the book, we call this core values-based policing.
5. Let us look at each of these activities separately: First, availability. Police make themselves available by patrolling, by creating ways that the public can easily contact the police by telephone, and by encouraging the public to come to police stations to report crimes and register complaints.
6. Second, responsiveness. Police should respond promptly when called by *individuals* needing assistance. Police should be willing to listen sympathetically. They should be skilled at taking crime reports, collecting evidence, securing a crime scene, questioning witnesses and, importantly,

- knowledgeable about the limits of their authority.
7. Third, fairness. In their dealings with the public, police should be respectful. They should be professional. They should treat all persons equally and not show preferences to certain groups or discriminate against minorities.
 8. Core Values Policing is based upon relationships, attitudes and values. This does not require advanced technical skills or heavy weaponry. It does require that officers at all ranks understand the role police play in a democratic society.
 9. Role of police is to enlist the cooperation of the public in the struggle against terrorism and violent crime. Police cannot deal with any of these threats alone. They can only succeed with public cooperation.
 10. Core Values Policing encourages the public to provide information to the police on the location and the activities of criminals and insurgents. Police are able to arrest the terrorists in their homes rather than fighting them on the streets.

Training the Police to Perform Core Values Policing

How are police trained to perform their role in this values-based approach to countering terrorism? Police training should have the following components:

1. First, training should be done by professional, civilian police officers who can convey the ethos of policing along with the technical skills. It is key to provide role models, particularly in situations where police traditionally are viewed as predatory, abusive and corrupt.
2. Second, training should make clear the role of the police in terms of establishing the legitimacy of the government, providing services and winning the allegiance of the people. Mindsets and perspectives are critically important.
3. Third, training should focus on the skills needed for the delivery of police services:
 - i. Facilitating requests for assistance;
 - ii. Principles of effective responding, including the

- handling of victims, witnesses, and evidence;
- iii. Working with community groups;
- iv. Problem-solving;
- 4. Fourth, training should focus on Fundamental Values:
 - i. Ethical conduct;
 - ii. Equal treatment;
 - iii. Mutual respect.

The Need for Special Counter-Terrorism Units:

1. I am not suggesting that police can operate entirely without the protection of special counter-terrorism units. I am also not suggesting that the police should not have body armour and heavy weapons and be trained to defend themselves if they are attacked by armed terrorists.
2. Militarized police units that are trained to work together with station house police are essential and should be available, if needed in an emergency. However, they should not be the first and only method the police have of countering terrorism.
3. The first approach that the police take to countering terrorism should be one that is based upon professional law enforcement, provision of police services and strong police relations with the public.

What is the Measure of Success?

1. The measure of success for Core Values Policing is not simply a reduction in the level of terrorist violence or criminal activity, although these are important goals. The real measure of success is the level of trust that is established between the police and the public.
2. The test of success is whether parents tell their children to seek the assistance of a police officer if they are lost or in distress. That needs to happen, if we are going to achieve our objectives for controlling terrorism and violent crime.

Mr. Afzal Shigri:

Counter-Terrorism - The Role of Police Stations: Concerns and Way Forward

Pakistan is today faced with a complex and difficult security situation due to widespread terrorism and insurgency. Even terrorism by a single group with a clearly defined cause is always difficult to confront and fight, but we have to deal with a faceless enemy that has varying points of genesis, shades of ideologies and multiple agendas. What is the most obvious fact about this enemy is that its acts have affected the entire country. These various groups are challenging the writ of the State with unprecedented violence and impunity; in some situations we even note an alliance amongst them in their fight against the law enforcement agencies.

The fight against terrorism is not only difficult but is also bloody and messy, particularly when the political leadership does not have a common stance or clarity of vision to deal with a threat of this magnitude that is threatening the very existence of the State. It needs to be tackled at various levels, i.e. ideological, strategic, operational/tactical and developmental. It is absolutely crucial that these aspects are addressed simultaneously through a sound and comprehensive policy.

Police and law enforcement agencies have the responsibility to confront and fight against the terrorists through strategic planning and effective tactical action on the ground. Today, the Pakistan Army, civil armed forces and the police are engaged in this complex fight and have given unmatched sacrifices to counter the terrorists, despite the handicap of a confused response by the political leadership. When we talk about the anti-terrorism policy and on its strategic and technical aspects, we think of modern weapons, high-tech intelligence collection, and of new specialized forces. However, the key criminal justice system dealing with this threat in the frontline does not receive the same level of importance, thereby endangering the existential struggle for this country. This system comprises the police, civil law enforcement agencies, army, prosecution, and most important, the courts.

We will be talking about the role of police stations, that is the most important part of the police structure in this effort to deal with terrorism

in the country. The basic unit of law enforcement in Pakistan, and for that matter internationally, is a police station. This unit is pivotal to the long, complex and sustained fight against terrorism. Since fancy gadgets, SWAT teams and specialized counter-terrorism forces are attractive and have a media value that has been embedded in our sub-consciousness, due to multiple stories of onscreen heroism; we tend to lose sight of the basics and rush to create new forces as a “quick fix”.

The police station has a unique position of being part of the community where it is located. It has a wealth of information about the local population, the very populace amongst whom the faceless terrorists find refuge. It is this population where it also has its affiliates and supporters. The terrorists also have the advantage of free movement without being noticed. Only alert, experienced, sensitized and well-trained police personnel posted in the police station can identify and collect actionable intelligence during their patrolling and in their daily interaction with the local population. The police station also has an elaborate system of documentation and an institutional memory about the people, their background and a system of information about any unusual activity in its jurisdiction. We have not tapped this resource. The information that flows into the police station in bits and pieces may look insignificant but is of tremendous value in the jigsaw puzzle of the overall picture. We only need to reorient the direction of the police stations and gear them to focus on this continuing battle against a network of terrorists spread far and wide.

The Central Intelligence Units at the provincial level as well as at the Federal level need to create that link to benefit from these very important sources of information. This will not help in gathering hard intelligence about the terrorists but would help in assessments, trends in terrorism/insurgency and their interlinkages at the national and international levels.

Repeatedly we have observed that actionable intelligence and successful investigation have emerged from the local police station. Its importance has never been recognized and the police station has only been maligned by repetitive negative political statements in the media that talk of only so-called *thana culture*. It is time that in the national security plan, the crucial role of the police stations is recognized and

integrated in the overall plan as a key source of intelligence and the information emanating from it is used to develop actionable intelligence against various terrorist outfits and also used to determine the trends and devise the strategies to win this ongoing battle.

The police station is also the first responder in dealing with terrorist attacks or action on information about an incident or the presence of terrorists. They are present in every corner of the country and have the advantage of securing the support and help of the local population. Their local knowledge is of immense value in avoiding collateral damage in fighting the terrorists in their hideouts. Comparatively specialized forces are small in number and have the disadvantage of being located away from the scene of the incident.

It needs to be accepted that the terrorists have the inherent advantage of selecting their targets. The purpose is to create fear and a sense of insecurity by targeting specific sections of the population in a way that attracts media attention. This can be done anywhere and at any time. The only check against such acts of lawlessness is the local police station that can also ensure the support of the local population. It is therefore important that while going for huge investments in any anti-terrorism forces and units, the police station is not neglected. Its strength should be integrated in the overall plan with a key role allocated to it for dealing with the terrorist groups. It should be properly resourced, and the police station should be given modern equipment, reliable transport and improved communications through Telecom and Internet. It is essential that well-trained and educated officers are appointed in these police stations who are able to use the modern gadgets for exchange of information; and they should also be trained to collect information and confront the terrorists locally.

Because of the outreach of the police stations in every nook and corner of the country, it has the unique advantage of playing an effective role in a general crackdown on the suspected targets simultaneously on the ground and in denying any space to the terrorists. A coordinated and sustained action on a wide scale for search and arrest of the terrorists and their supporters will pay immediate dividends in our fight to restore peace. It will also degrade the capability of the terrorist organizations, which will find it difficult to find refuge in the face of such unrelenting

action by the local police. This will snatch the initiative from the terrorist groups.

If we recognize the importance of the police station as a key element in our anti- terrorism strategy and integrate it in the plan, the battle would be half won. It is only the police station that can ensure a sustained operation against terrorism. The sooner we recognize it, the better it would be for Pakistan and the world at large.

The preceding paras bring out the following important aspects of the role of the police in fighting terrorism comprehensively:

1. Police station is essentially part of the local community. It can therefore secure the cooperation of the local population and also deny space to the terrorists and their supporters.
2. It can become a prime source of intelligence for the national data base.
3. Being the first responder and with its far reaching presence, it can act on actionable intelligence in real-time.
4. Its association and involvement will be of immense value in investigation of the cases involving acts of terrorism.
5. It can also help in drying up the resources of the terrorist organizations by creating awareness amongst the population against violence and terrorism.

Recommendations

1. Training of police personnel in public relations and service orientation to make their role acceptable and effective as part of the community.
2. Building a linkage of the police station with the NGOs and organizations that should be given due priority through provision of resources to all concerned for awareness and cooperation of the community.
3. Creating direct linkages for sending information in time to the Central Data Base through Internet and Telecommunication. This will require equipment and trained personnel to be located in the police station for

transmission of the information.

4. Being the first responder it is absolutely essential that each police station is provided the latest weapons and other security gadgets to confront terrorists, along with the required training.
5. Posting of trained personnel from the elite and investigation wings to exclusively deal with terrorist cases.
6. Integrating the role of the police station for sustained and wide scale action to be incorporated in the national strategic and tactical plans.

We do not have the luxury of unlimited time line as we are fast approaching a total collapse of the law enforcement structure with an ominous future for the country. An all-embracing security plan with the Police Station as a key component is absolutely necessary to deal with the ongoing war against terror.

Annexure Two: Papers Presented at the Second Seminar

Mr. Toaha Qureshi

De-Radicalization Programme

Pakistan is facing a multifaceted challenge of radicalization, which can only be dealt by implementing a precise and connective strategy. This is a multi pronged strategy and first prong of our counter radicalization strategy is triangular model of engagement and containment. Under this strategy, the community at large, the police, and the local authority act as partners to tackle the problems of social exclusion, anti-social behaviour, unemployment, radicalization, violent extremism, terrorism, etc. Once the problem is identified, all the stakeholders should take ownership of the issue and then collectively attempt to implement workable solutions through capacity building measures such as social behavioural transformation, enhancing educational attainment, and employability enhancement opportunity.

The second prong is the early prevention model. A variety of measures are adopted to disenfranchise the young people from becoming radical, extremists, or violent extremists, or terrorists. For this purpose, young people at their very early age should be provided ample opportunities to youth to raise their concerns.

The third prong is the rehabilitation model. Wider society and affected community assume collective responsibility for joining hands to rehabilitate violent extremists and convicted terrorists in UK, so that they are transformed into effective members of mainstream society, and on occasions they are put into a programme called TRIM where they are transformed into role models.

This is done through a mentoring process, which covers both social and religious mentoring, involving free education, skill-based training as well as business and employment opportunities. These models have formally been adopted and have worked in UK and other EU states. These were also shared with the last civilian regime in Pakistan. But, there is no indication of any real progress in this regard.

It is a strong belief that radicalization is to be tackled by education, dialogue, and firm rehabilitation rather than military or warlike actions. We started this work before the incidents of 9/11 and 7 July 2005 London bombings, popularly known as 7/7. We could see a lot of young people were falling into wrong hands and this triangular journey was taking place from UK to Pakistan and Afghanistan. A lot of people were taking part in the training camps set up in UK and not in Pakistan or Afghanistan. The preliminary training was given in the UK and then they were sent to war zones in Pakistan or Afghanistan. The problem was identified with the help of the community and this is not a government strategy. That was the initiative of the community taken up with government's support. The Muslim community, particularly Pakistani people, was leading this whole program. They were devising a mechanism and told the government about this problem.

After identification of the problem, we offered them to have collective ownership to this issue, where the community and the authorities took over this issue to support the triangular program of containment. At that stage, the community that was leading in identification of the problem brought the stakeholders to the table, encouraging them and empowering them to take the ownership of this whole issue and to have in-depth knowledge, the understanding of the nature and the scale of problem, then to contain this problem in the triangle. If any of the stakeholders moved away, the problem would have spread. We very successfully adopted this model in UK. Hence, we had only one 7/7 in UK, but we have such kinds of terrorist incidents in Pakistan on almost every second day.

The TRIM project is transforming radicals into models. We bring people, who have been convicted under the Terrorism Act, from the prisons on parole and then rehabilitate them. This is the way we as a community took on our responsibility. The government was encouraged by the community. That worked very well in the UK and it can also produce good results in Pakistan. In UK just two and a half thousand people were arrested under the Terrorism Act. But I didn't see any progress on rehabilitation in Pakistan. These rehabilitated people are now living a normal life in the UK and the state has no problems with them. However, the British Government had problems with violent extremists and

terrorists. I am not representing the British Government. It is purely a community initiative and the government fully supports it.

When people get stuck up in the narrow tunnel of terrorists, we go to the next step and take them back to society. Some are turned into role models. The object of this programme is to make them enter into the mainstream through education, employment, probability enhancement and volunteering. We help people to set up their own businesses.

The work has been evaluated by the Middlesex University. The evaluation which was carried out when they met with those 600 people who went through this programme, it appeared the real issue was the problem of foreign policy among the young people and then racism, discrimination, standard of living, unemployment, lack of education and distrust of government. UK finds out that they have problems with the foreign policy and they started engaging with the Muslim community and they started revisiting their foreign policy. If we compare these things with Pakistan then many people here have serious problems with foreign policy, class distinction more than the UK. Just look at the style of engaging minorities which is terrible. We live in UK as a minority but we enjoy every kind of freedom. We need to give respect to the minorities who are also Pakistani citizens. Many people see the seminary and the mosque as problems, but you will be astonished to know that no one was the seminary student or mullah of those who have been charged under the Terrorism Act. The problems are almost same so the Pakistani government, society and institutions need to look at how issues could be addressed. The community and government will have to join forces to get rid of the menace of terrorism and extremism.

Mr. Ahmar Bilal Soofi

“Rule of Law and Counter-Terrorism – Roles of Public and Private Sectors”

The rule of law means the rule of both domestic and international law. There are about 8,000 domestic statutes in Pakistan. So when we talk about the rule of law, we must understand it means implementation of 4,000 federal statutes and 3,500 provisional statutes. These are the laws through which a state is administered. Laws are the management tool of

a state.

If you want to bring a change in the policy or the state, you must bring amendments in the laws. Rule of law also means rule of international applicable law implementing commitments made through treaties. The State is a responsible entity and it has its duty not only to act in a responsible manner but also to inform its people and the political elite. The international community always judges a state through the international laws and treaties.

A state has two options if violation of its laws happens. First, it tries to win a culprit back and persuades him to obey the law and the Constitution; second, it prosecutes him if he declines to renounce violence. If a culprit is acquitted by the court then it means state management has failed to perform its duty. The court is a subset of the state. If a court acquitted a person on the basis of evidence or lack of evidence, it means that the state has failed to implement rule of law.

There are two baskets of offences. One is routine offences, like theft and so on. It is also challenging the discipline of the state, and that is why the state takes upon itself to prosecute that person. There is a second type of offence where some people are committing offence against the state itself by questioning the writ of the Constitution. Terrorism has a certain pattern of waging war on the state, and so much more serious handling required for this. When you arrest such people or when you neutralize them either through dialogue or military action, you have a perfect opportunity to improve the prosecution mechanism and at the same time make efforts to de-radicalize them.

When you de-radicalize them make sure which kind of material they are reading and what kind of sermons they are listening to in the mosques in jails or in internment centres.

The State of Pakistan has at its disposal hundreds of thousands of people in its many jails and the Ministry of Interior has a serious responsibility to develop an operational mechanism of de-radicalization and reviving back their loyalty.

The other aspect as to how you bring them to justice means that you have to make sure of the due process framework. You also have to make sure that the mechanism under which you prosecute them is vibrant. One can respect the political positioning of the state, but people have reservations regarding the Anti-Terrorism Act (ATA) in Pakistan. It is an ambiguous law in terms of the definition of terrorism. It allows a police officer to book any person by labeling every second offence as “terrorism”.

The government should have a plan for an administrative mechanism to approve a challan as to where it should go. Even the police are not clear under which law it has to operate. The police law has been devolved to the provincial governments after the 18th Amendment. Each province is independent to adopt different police laws. One province goes for the Police Order 2002, another one adopts the 1860 Police Act, while the third one is in the process of enactment of a proper law.

The innovation expected from the prosecution is in the issue of logistics. Out of 2,000 plus people, who were retained in the UK under the Terrorism Act, only 300 were tried. They had a preventive detention framework. Initially out of 2,000 plus detainees, only 300 people were prosecuted. They had a strong prosecution mechanism. In Pakistan there are thousands of people in the internment centres. There are over 5,000 people at the internment centres, including 3,000 in Karachi and several hundred in Balochistan. It required the most ambitious prosecution exercise in the entire world. The anti-terrorism courts comprise 50 to 55 judges throughout the country to handle about 2,100 cases for the last several years. The National Accountability Bureau (NAB) will be able to prosecute about 1,900 cases in 10 years. There is a need of at least 100 special judges and over 100 investigating officers and prosecutors. A strategy with the combination of de-radicalization and prosecution mechanism should be adopted to deal with the situation.

Today we have a very serious challenge and this may rise in terms of numbers in case of a military operation. The federal government needs to bring out clearly the limits of the indemnity. What is the position of the federal government on the indemnity of those who stand up for the

Federation? The civil servants, judges, and military, all work for the Federation. The judges have the Immunity Act of 1865, pursuant to which any wrong decisions given by the judges cannot be prosecuted. It is the indemnity, which allows them to pass judgements freely. Civil servants, on a good-faith basis, can go ahead and take decisions on a fast track basis, to turn around the country, under Section 23 of the Civil Servants Act.

However, indemnity is not available to him if he is involved in corruption. That indemnity has been watered down by the Supreme Court in the last five years. This indemnity should be respected for the revival of the economy and to turn around the country. The traditional indemnity of the military also needs to be respected. No one will stand up for the Federation with the same zeal and valour if FIRs are registered on the orders of the courts against the security agencies. The Supreme Court of Pakistan has so far not guided the executive or the military regarding the manner of conducting military operations and indemnity on the use of force. If you are calling the Army in aid of civil power, then the message is a licence to use force because public order has been destroyed. In such a situation, the military uses force and brings public order back, and its actions are indemnified. If you are looking selectively, de-radicalization has to co-exist as a comprehensive policy with the prosecution.

Dr. M. Shoaib Suddle
“Police Role in Countering Terror”

It is often said that 9/11 has changed everything, but it has not changed our police system, which is modelled on the Police Act of 1861. With encouragement from the Interior Ministry some of the provinces did opt to change the Federal Law in 2008. But in **1982?**, the Law Ministry said that the Police Act of 1861 was the central law. This confusion resulted in Balochistan reverting to the Police Act of 1861, and 95% of its area became a “B” area, with the result that if a kidnapped person or a vehicle is kept in the “B”-area, it would remain out of the reach of the law. Sindh followed suit, while Punjab and Khyber Pakhtunkhwa continued with the Police Order of 2002. Interestingly, Islamabad is still ruled under the Police Act of 1861.

After 9/11, Pakistan had an opportunity to strengthen, standardize, and harmonize its laws; instead, the measures taken further fractured the system. The police cannot be expected to deliver in the context of terrorism without bottom-up reforms in the police, prosecution, lower judiciary, prisons and the Constitution. In a society where truth is a rarity, we claim that whatever is written in the First Information Report (FIR) is true and this document goes right up to the Supreme Court.

There should be provisions to change the FIR based on scientific investigations. There can be no rule of law unless we do away with these obsolete inherited practices. We need a system that works for us and promises timely justice for the common man. The failure is not merely at the police level. The Pakistan Penal Code (PPC) clearly states in the chapter of General Exceptions, that a child under seven years of age cannot be punished for committing a crime and yet a baby is named in the FIR, brought to the court and finger-printed.

The police cannot be left to the whims of the politicians and the influentials. To reform the police and to enhance their performance, recruitment must be merit-based, the force must be professionally trained, their postings and transfers must be regulated and based on best practices, and they must be sent to specialized units where they can build on their knowledge and expertise. They must be made accountable.

To achieve these objectives, steps were taken under the Police Order of 2002 through the National Public Safety Commission (NPSC) at the federal level and the Provincial Public Safety Commissions (PPSCs) at the provincial level. Interestingly, even before the law was understood, over 100 amendments were made. To make the police and the system functional, it needs to be depoliticized. The police should be neutral and the people, especially the minorities, children and old, should look upon them as protectors and not as intimidators. In Pakistan, it is believed that severe punishment or lengthy jail terms will help reform the criminals. It has only proved counter-productive. We need to go for forensic sciences to improve the performance of the police.

Intelligence gathering is important to combat terrorism and the best

source is the community. But why would the community share information if they cannot trust the police? Measures must be taken to bridge this trust deficit between the police and the community. Every country needs to develop systems that best suit their requirements and in Pakistan we are still not sure what will be the fate of police laws.

Annexure Three: CRSS Press Release, 21st April 2014

Public-Private Partnership Must for De-Radicalization

ISLAMABAD: The speakers at a seminar on “Rule of Law and Counter-Terrorism – Roles of Public and Private Sectors” on Monday called for comprehensive legal reforms to ensure the rule of law in the country and deal with radicalization, extremism and terrorism.

The seminar was organized by the Centre for Research and Security Studies (CRSS). Chairman of Stockwell Green Community Services (SGCS) Mr. Toaha Qureshi MBE; expert on International Law, Mr. Ahmer Bilal Soofi; ex-MNA Hafiz Hussain Ahmad (JUI-F); former DG Intelligence Bureau and expert on Criminal Justice and Police Reforms, Dr. M. Shoaib Suddle; ex-MNA Mr. Adnan Aurangzeb, and the CRSS Executive Director, Mr. Imtiaz Gul addressed the seminar.

Giving the UK perspective on counter-radicalization and the rule of law, Mr. Qureshi said it was not possible to establish the rule of law without police, judiciary and the community working together in support of each other. He said that the efforts in the United Kingdom to deal with radicalization had started much before 9/11 with the police and community working as partners to counter radicalization, extremism and terrorism. Talking about the situation in Pakistan, he said the rule of law could not be established until the law is applied to all equally without any prejudice. “Encourage public-private cooperation, engage educational institutions and create a demand for the rule of law,” he said, adding that the role of the community was central in creating a demand for the rule of law.

Mr. Ahmer Bilal Soofi said respect for the rule of law implied respect for national and international laws equally. He said it was the duty of the State to inform the people about the national and international laws. “Crime challenges the writ of the State and it is for the State to establish its writ through engagement, dialogue, prosecution and action,” he said. He said terrorism was a serious crime and before taking any stern action to curb terrorism it was necessary to identify the source of radicalization that promotes and breeds extremism and terrorism. He said political

will also plays a critical role, not only in making laws, but also in their application.

Hafiz Hussain Ahmad (JUI-F) said supremacy of law was the only way to stop terrorism. "If the law is not implemented without any discrimination, lawlessness cannot be stopped and justice cannot be ensured," he said, adding that the situation in the province of Balochistan was not religiously motivated. "The turmoil in Balochistan is because of non-implementation of the Constitution," he observed, referring to the injustices done to the people of the province despite constitutional guarantees: "No law and no Constitution exists in Balochistan."

Dr. Shoaib Suddle pointed out flaws in the existing laws pertaining to the police force, and said the absence of a central law was one of the reasons that there was no rule of law. "We cannot handle the situation we are faced with until we have unified laws in all the provinces," he said, adding that the events of 9/11 had thrown up an opportunity for us to strengthen our laws to deal with the situation.

Dr. Suddle said the legal system in Pakistan was fragmented and broken: "The police will never be able to deliver until we change the laws, reform the prosecution service and the judiciary, to establish a system that works for the common person, and ensures speedy justice."

About CRSS

The Center for Research and Security Studies (CRSS) is an independent, non-profit, and non-partisan advocacy, program implementation and research organization based in Islamabad. It seeks to promote an informed discourse on crucial socio-political, economic and security issues confronting Pakistan. It strives to realize its goals through a vast array of activities including widely disseminated analyses on national and regional security issues, counter-terrorism and counter-extremism advocacy and conflict monitoring.

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"Pakistan Police: Challenges and Opportunities is a significant and much needed contribution to the critical topics of police, policing and counter-terrorism in Pakistan. Its scope and breadth of analysis is quite wide-ranging. It draws upon the expertise both of distinguished civil society activists and leading criminal justice practitioners."

Dr. Shoab Suddle

former Chief of Police, Sindh and Balochistan,
former Director General, Intelligence Bureau

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