



THE NAP TRACKER

The First Year Audit of the National Action Plan



**Center for
Research &
Security
Studies**

Rule of Law - Security - Governance

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ACRONYMS

#	Acronyms	
1	ADR	Alternative Dispute Resolution
2	Ael-B	Anjuman-e-Ittehad Balochan
3	AHF	Al Harmain Foundation
4	AJK	Azad Jammu Kashmir
5	AL	Awami League
6	AMLA	Anti-Money Laundering Act
7	ANP	Awami National Party
8	ANSF	Afghan's National Security Forces
9	APC	All Parties Conference
10	APMSO	All Pakistan Mohajir Students Organization
11	APS	Army Public School
12	AQ	Al-Qaeda
13	ASWJ	Ahl-e-Sunnat Wal Jamaat
14	ATA	Anti-Terrorism Act
15	ATCs	Anti-Terrorism Courts
16	BLA	Baloch Liberation Army
17	BLF	Balochistan Liberation Front
18	BLUF	Balochistan Liberation United Front
19	BMDT	Balochistan Musalla Defa Tanzeem
20	BRA	Baloch Republican Army
21	BRP	Baloch Republican Party
22	BSO-A	Baloch Students Organizations Azad
23	BVS	Biometric Verification System
24	CFT	Combating the Financing of Terrorism
25	CIED	Commission of Inquiry on Enforced Disappearances
26	CII	Council of Islamic Ideology
27	CM	Chief Minister
28	COAS	Chief of Army Staff
29	CPEC	China Pakistan Economic Corridor
30	CrPC	Code of Criminal Procedure

31	CSTC	China Ship Trading Company
32	CT	Counter Terrorism
33	CTD	Counter Terrorism Department
34	DG	Director General
35	DHA	Defense Housing Authority
36	DIK	Dera Ismail Khan
37	ETIM	East Turkestan Islamic Movement
38	EU	European Union
39	FATA	Federally Administered Tribal Areas
40	FC	Frontier Corps
41	FCR	Frontier Crimes Regulations
42	FIA	Federal Investigation Agency
43	FIF	Filah-i-Insaniat Foundation
44	FIR	First Information Report
45	FMU	Financial Monitoring Unit
46	GB	Gilgit Baltistan
47	HRC	Human Rights Committee
48	HRCP	Human Rights Commission of Pakistan
49	HRW	Human Rights Watch
50	IB	Intelligence Bureau
51	ICCPR	International Covenant on Civil and Political Rights
52	ICG	International Crisis Group
53	ICJ	International Commission of Jurists
54	ICT	Islamabad Capital Territory
55	IDPs	Internally Displaced Persons
56	IGP	Inspector General of Punjab Police
57	IHL	International Humanitarian Law
58	IJU	Islamic Jihad Union
59	IMCWE	Inter-Ministerial Committee for Website Evaluation
60	IMU	Islamic Movement of Uzbekistan
61	IPC	Inter-Provincial Coordination
62	IS	Islamic State
63	ISI	Inter Services Intelligence

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64	ISPR	Inter-Services Public Relations
65	ITMP	Ittehad-e-Tanzeemat-e-Madaris Pakistan
66	IVBMP	International Voice for Baloch Missing Persons
67	JeM	Jaish-e-Muhammad
68	JI	Jamaat-e-Islami
69	JPP	Justice Project Pakistan
70	JSMM	Jeay Sindh Muttahida Mahaz
71	JuA	Jamaat-ul-Ahrar
72	JuD	Jamaat-ud-Dawa
73	JUI	Jamiat-e-Ulema-e-Islam
74	KP	Khyber Pukhtunkhwa
75	LEA	Law Enforcement Agency
76	LeB	Lashkar-e-Balochistan
77	LeJ	Lashkar-e-Jhangvi
78	LeT	Lashkar-e-Taiba
79	MCS	Military Courts Services
80	MIP	Millet-e-Islami Pakistan
81	MNA	Member National Assembly
82	MOFA	Ministry of Foreign Affairs
83	MoIT	Ministry of Information Technology
84	MPA	Member Provincial Assembly
85	MQM	Muttahida Qaumi Movement
86	MQM-H	Muttahida Qaumi Movement-Haqiqi
87	MSO	Muslim Students Organization
88	NA	National Assembly
89	NACTA	National Counter Terrorism Authority
90	NADRA	National Data Registration Authority
91	NAP	National Action Plan
92	NATO	North Atlantic Treaty Organization
93	NFC	National Finance Commission
94	NRC	Norwegian Refugee Council
95	NRCC	National Response Centre for Cyber Crime
96	NWA	North Waziristan

97	NWFP	North-West Frontier Province
98	PA	Political Agent
99	PAC	People's Aman Committee
100	PECB	Pakistan Electronic Crime Bill
101	PEMRA	Pakistan Electronic Media Regulatory Authority
102	PITRO	Punjab Information of Temporary Residents Ordinance
103	PML-N	Pakistan Muslim League-Nawaz
104	PPA/PoPA	Protection of Pakistan Act
105	PPC	Pakistan Penal Code
106	PPP	Pakistan People's Party
107	PRC	Proof of Registration Card
108	PSSG	Pakistan Special Service Group
109	PTA	Pakistan Telecommunication Authority
110	PTI	Pakistan Tehreek-e-Insaf
111	PUC	Pakistan Ulema Council
112	RAF	Royal Air Force
113	RAW	Research and Analysis Wing
114	RN	Royal Navy
115	RRU	Rehabilitation & Reconstruction Unit
116	RT	Rabita Trust
117	SAC	Summary Appeal Court
118	SAFRON	Federal Ministry of States and Frontier Regions
119	SATP	South Asia Terrorism Portal
120	SBCA	Sindh Building Control Authority
121	SBP	State Bank of Pakistan
122	SC	Supreme Court
123	SCBA	Supreme Court Bar Association
124	SCC	Service Civilian Court
125	SCP	Supreme Court of Pakistan
126	SEARCCT	Southeast Asia Regional Centre for Counter Terrorism
127	SMP	Sepah-e-Muhammad Pakistan
128	SSG	Special Services Group
129	SSP	Sipah-e-Sahaba Pakistan

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130	STR	Suspicious Transaction Report
131	SWA	South Waziristan Agency
132	TGG	Tariq Geedar Group
133	TI	Tehreek-e-Islami
134	TNA	Tanzeem Naujawana-e-Ahle Sunnat
135	TNSM	Tehreek-e-Nifaz-e-Shariat-e-Mohammad
136	TTB	Tehrik-e-Taliban Bajaur
137	TTM	Tehrik-e-Taliban Mohmand
138	TTP	Tehreek-e-Taliban, Pakistan
139	TTS	Tehrik-e-Taliban Swat
140	UBA	United Baloch Army
141	UK	United Kingdom
142	UN	United Nations
143	UNHCR	United Nations Commissioner for Refugees
144	UNRWA	United Nations Relief and Works Agency
145	UNSCR	United Nations Security Council Resolution
146	US	United States
147	WoT	War on Terror

THE NAP TRACKER

INTRODUCTION

The NAP Tracker initiative aims to measure the progress made on the National Action Plan (NAP), enacted on December 25, 2014, following the horrendous attack on innocent schoolchildren in Peshawar, Khyber Pukhtunkhwa (KP). Terrorists broke into the the Army Public School in Peshawar Cantonement area of Peshawar city in Khyber Pukhtunkhwa province. The targeted teachers and schoolchildren indiscriminantly, killing 132 young children in the process. The incident, the worst attack of terror in Pakistan's history, was a paradigm shift for Pakistan. In a state of national grief, the NAP emerged as a beacon of hope for a beleaguered nation galvanized by tragedy. The purpose of the document was to exact a comprehensive strategy to eliminate the threat of extremism and militancy in the country.

Up until that point, Pakistan had already suffered tremendously in the War on Terror (WoT), both in terms of infrastructure and human life. Depending on which source you quote, the loss of life is estimated between 60,000 to 82,000 souls. Civilians account for well over a third, and well over half of those figures respectively. Despite such a drastic number of individuals dying during this period, the NAP was enacted 11 years into the conflict.

Belated implementation notwithstanding, on paper, the NAP is a good start to eliminate and root out terrorism from the country. Bear in mind that the ideas presented in the NAP are neither novel, nor innovative. They have been around at least as long as this conflict, and some, such as seminary registration/reform, even longer than that. The implementation of NAP can be classified as 'extremely successful' or 'woefully inadequate', depending on the criteria used and the stakeholders quoted. This report attempts to cover both aspects of the debate.

In the wake of the NAP, 16 committees were formed to monitor progress on the NAP along a variety of vectors and parameters. These committees, their heads and members are as follows:

THE THEMES

1. Moratorium Lifted
2. Military Courts
3. Proscribed Organizations
4. Counterterrorism
5. Sectarianism/Minorities
6. Local Conflicts
7. Seminaries
8. Refugees/IDPs
9. Criminal Justice System

These nine themes have been derived from the 20 points of the NAP.

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#	Committee	Head	Member
1.	Main committee	Nawaz Sharif, Prime Minister	<ul style="list-style-type: none"> • Chaudhry Nisar, Interior Minister • Ishaq Dar, Finance Minister • Ahsan Iqbal, Planning Minister • Pervaiz Rasheed, Information Minister • Khawaja Asif, Defense Minister • Abdul Qadir Baloch, SAFRON Minister • Sardar Mehtab, KP Governor • Sartaj Aziz, Special Advisor to the Prime Minister • Zafarullah Khan, Special Assistant to the Prime Minister
2.	Armed militias	Chaudhry Nisar, Interior Minister	<ul style="list-style-type: none"> • Lt. General Rizwan Akhtar, Director General Inter-Services Intelligence • Aftab Sultan, Director General Intelligence Bureau • Maj. General Aamer Riaz, Director General Military Operations • Muhammad Azam Khan, Provincial Home Secretary of the Federally Administered Tribal Areas • Ch. Muhammad Barjees Tahir, Provincial Home Secretary Gilgit-Baltistan and Azad Jammu and Kashmir • Arif Ahmed Khan, Interior Secretary • Ihsan Ghani, National Coordinator of the National Counter Terrorism Authority
3.	Hate speech, extremist-material	Chaudhry Nisar, Interior Minister	<ul style="list-style-type: none"> • Sardar Muhammad Yousaf, Minister of Religious Affairs • Ahsan Iqbal, Planning Minister • Lt. General Rizwan Akhtar, Director General Inter-Services Intelligence • Aftab Sultan, Director General Intelligence Bureau

			<ul style="list-style-type: none"> • Muhammad Malick, Managing Director Pakistan Television • Maj. (R) Azam Suleman, Home Secretary Punjab • Capt. (R) Munir Azam, Home Secretary KP • Mumtaz Ali Shah, Home Secretary Sindh • Akbar Durrani, Home Secretary Balochistan • Syed Abdul Manan Agha, Secretary Religious Affairs & Interfaith Harmony, Balochistan • Dr. Baz Muhammad Junejo, Secretary Auqaf, Religious Affairs, Zakat & Ushr Department, Sindh • Mr. Abdullah Khan Mehsud, Secretary Auqaf, Hajj, Religious & Minority Affairs, KP • Muhammad Saqib Aziz, Secretary Auqaf Department, Punjab • Arif Ahmed Khan, Interior Secretary • Ihsan Ghani, National Coordinator of the National Counter Terrorism Authority
4.	Finances of terrorist Organisations	Ishaq Dar, Federal Finance Minister	<ul style="list-style-type: none"> • Ashraf Mehmood Wathra, Governor State Bank • Lt. General Rizwan Akhtar, Director General Inter-Services Intelligence • Arif Ahmed Khan, Interior Secretary • Tariq Bajwa, Chairman Federal Board of Revenue • Akbar Hoti, Director General Federal Investigation Agency • Waqar Masood Khan, Finance Secretary

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5.	Re-emergence of banned organisations	Chaudhry Nisar, Interior Minister	<ul style="list-style-type: none"> • Lt. General Rizwan Akhtar, Director General Inter-Services Intelligence • Aftab Sultan, Director General Intelligence Bureau • Muhammad Malick, Managing Director Pakistan Television • Maj. (R) Azam Suleman, Home Secretary Punjab • Capt. (R) Munir Azam, Home Secretary KP • Mumtaz Ali Shah, Home Secretary Sindh • Akbar Durrani, Home Secretary Balochistan • Hamid Ali Khan, the Interior Secretary
6.	Counter terrorism force	Chaudhry Nisar, Interior Minister	<ul style="list-style-type: none"> • Ishaq Dar, Finance Minister • Khawaja Asif, Defence Minister • Maj. General Aamer Riaz, Director General Military Operations • Dr. Waqar Masood Khan, Federal Secretary Finance Division
7.	Religious persecution	Chaudhry Nisar, Interior Minister	<ul style="list-style-type: none"> • Arif Ahmed Khan, Interior Secretary • Ihsan Ghani, National Coordinator of the National Counter Terrorism Authority • Sardar Muhammad Yousaf, Minister and Secretary of Religious Affairs • All Provincial Police Officers • Zafar Iqbal Awan, Inspector General of Police of Gilgit Baltistan • Malik Khuda Bakhsh Awan, Inspector General of Police of Azad Jammu Kashmir and Islamabad Capital Territory • Maj. (R) Azam Suleman, Home Secretary Punjab • Capt. (R) Munir Azam, Home Secretary KP

			<ul style="list-style-type: none"> • Mumtaz Ali Shah, Home Secretary Sindh • Akbar Durrani, Home Secretary Balochistan • Syed Abdul Manan Agha, Secretary Religious Affairs & Interfaith Harmony, Balochistan • Dr. Baz Muhammad Junejo, Secretary Auqaf, Religious Affairs, Zakat & Ushr Department, Sindh • Mr. Abdullah Khan Mehsud, Secretary Auqaf, Hajj, Religious & Minority Affairs, KP • Muhammad Saqib Aziz, Secretary Auqaf Department, Punjab
8.	Madrassah regulation	Chaudhry Nisar, Interior Minister	<ul style="list-style-type: none"> • Sardar Muhammad Yousaf, Minister and Secretary of Religious Affairs • Balighur Rehman, State Minister Education • Maj. (R) Azam Suleman, Home Secretary Punjab • Capt. (R) Munir Azam, Home Secretary KP • Mumtaz Ali Shah, Home Secretary Sindh • Akbar Durrani, Home Secretary Balochistan • Syed Abdul Manan Agha, Secretary Religious Affairs & Interfaith Harmony, Balochistan • Dr. Baz Muhammad Junejo, Secretary Auqaf, Religious Affairs, Zakat & Ushr Department, Sindh • Mr. Abdullah Khan Mehsud, Secretary Auqaf, Hajj, Religious & Minority Affairs, KP • Muhammad Saqib Aziz, Secretary Auqaf Department, Punjab

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9.	Terrorist glorification by media	Pervez Rash-eed, Information Minister	<ul style="list-style-type: none"> • Chaudhry Nisar, Interior Minister • Irfan Siddiqui, Special Assistant to the Prime Minister • Zafarullah Khan, Special Assistant to the Prime Minister • Dr. Nazir Saeed, Information Secretary
10.	Federally Administered Tribal Area reforms	Iqbal Zafar Jhagra, Governor KP	<ul style="list-style-type: none"> • Ishaq Dar, Finance Minister • Lt. General (R) Abdul Qadir Baloch, SAFRON Minister • Tariq Bajwa, Secretary Economic Affairs • Lt. General Hidayat ur Rehman, Corps Commander 11th Corps Peshawar • Mohammad Azam Khan, Chief Secretary Federally Administered Tribal Areas
11.	Dismantling terrorist communication networks	Chaudhry Nisar, Interior Minister	<ul style="list-style-type: none"> • Anusha Rahman, Minister of State for Information Technology and Telecommunications
12.	Karachi operation	Chaudhry Nisar, Interior Minister	<ul style="list-style-type: none"> • Ishrat ul Ibad, Governor Sindh • Qaim Ali Shah, Chief Minister Sindh • Maj. General Bilal Akbar, Director General Rangers
13.	Punjab	Chaudhry Nisar, Interior 11	<ul style="list-style-type: none"> • Lt. General Rizwan Akhtar, Director General Inter-Services Intelligence • Aftab Sultan, Director-General of the Intelligence Bureau • Maj. (R) Azam Suleman, Home Secretary Punjab • Provincial Police Officers

14.	Sectarian terrorism	Chaudhry Nisar, Interior Minister	<ul style="list-style-type: none"> • Aftab Sultan, Director General of the Intelligence Bureau • Maj. (R) Azam Suleman, Home Secretary Punjab • Capt. (R) Munir Azam, Home Secretary KP • Mumtaz Ali Shah, Home Secretary Sindh • Akbar Durrani, Home Secretary Balochistan • Provincial Police Officers • Arif Ahmed Khan, Interior Secretary • Ihsan Ghani, National Coordinator of the National Counter Terrorism Authority
15.	Afghan refugees	Chaudhry Nisar, Interior Minister	<ul style="list-style-type: none"> • Iqbal Zafar Jhagra, Governor KP • Lt. General (R) Abdul Qadir Baloch, SAFRON minister • Usman Yousaf Mobeen, Chairman of the National Database and Registration Authority
16.	Criminal justice reforms	Chaudhry Nisar, Interior Minister	<ul style="list-style-type: none"> • Arif Ahmed Khan, Interior Secretary • Maj. (R) Azam Suleman, Home Secretary Punjab • Capt. (R) Munir Azam, Home Secretary KP • Mumtaz Ali Shah, Home Secretary Sindh • Akbar Durrani, Home Secretary Balochistan • Justice (R) Muhammad Raza Khan, Intelligence Bureau and Law Secretary • Lt. General Rizwan Akhtar, Director General Inter-Services Intelligence • Joint Intelligence X, the Secretariat of Inter Service Intelligence

NAP Tracker

The audit is for the first year of the NAP, or thirteen months to be precise. The extra month is added because the state machinery took a while to respond to such a heavy mandate, and researchers on this report felt that a 13-month audit would offer a better overall picture. The thirteen month period also allows us to look at the entire of the year 2015 during this time period. Any subsequent NAP Tracker reports will run from the 1st of January to the 31st of December the following year, and thus account for precisely 12 months.

It must also be said that this report will largely ignore any steps outside the audit period. For example, if Pakistan passed a law to amend the CrPC and ensure speedy trials in 2013, that will not be considered progress under the NAP, though it may be referenced. Further, this report, the first of its kind, is based primarily on open-source information. It is the intention of this think tank to expand the scope in subsequent annual reports.

In this report, there are nine themes, and each theme may be comprised of one or more points in the NAP. This categorization can be found at the beginning of each individual section in a text box to the right. The concluding chapter contains policy recommendations on a way forward.

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Specifically, these include Ahmer Bilal Soofi, Amir Zia, Ehsan Sadiq, Faisal Ali Raja, Farhan Zahid, Shoaib Suddle, Imtiaz Gul, Madiha Latif, Raza Rumi, Shehzada Zulfikar, Sher Ali Khalti, Shiraz Pracha, Yawar Ali Khan and Zaair Hussain.

NATIONAL ACTION PLAN: A COMMENT

by Dr. Shoaib Suddle

The Pakistan government launched a twenty-point counter-terrorism National Action Plan (NAP), apparently with the consensus of military and major political parties, in the aftermath of December 16, 2014 tragedy when terrorists targeted Army Public School, Peshawar, killing 140 people, mostly young students. Indeed, NAP was regarded a game changer in the nation's long fight against terrorism.

Addressing a high-level meeting on January 21, 2015, the Prime Minister vowed to mobilize *all* state resources to ensure *letter and spirit* implementation of NAP. He said the leadership and the nation stood united to wipe out terrorism and the terrorists would not find any safe havens on the soil of Pakistan. "The terrorists were the enemies of stability and harmony and every step would be taken for their complete elimination," the Prime Minister said on February 23, 2015.

Unfortunately, notwithstanding the political elite's rhetoric over the past one year, the key aspects of NAP have remained marred by poor implementation and less than professed outcomes. The sluggish performance in critical areas like revamping and reforming criminal justice system; appointing joint investigation teams, special prosecutors and special trial courts under the Protection of Pakistan Act 2014; strengthening and activation of NACTA; establishing Joint Intelligence Directorate; taking Karachi operation to its logical conclusion; dismantling terror infrastructure; choking terror financing; dismantling radical ideologies leading to extremism and terrorism; regulating and monitoring foreign funding of seminaries; effectively deactivating proscribed organizations / sectarian networks; and reforming seminaries curriculum has clouded even the Zarb-e-Azb and associated intelligence-based operations.

There are a number of reasons for the lackluster performance of NAP. First, the required funding for prompt implementation of NAP was neither worked out nor earmarked at the time of its launch. No plan, much less a plan as gigantic as NAP, can hope to make a difference without adequate and sustained funding.

Second, no timelines were specified for implementing specific aspects of NAP. Nor were respective roles and responsibilities of federal and provincial governments and other stakeholders clearly delineated. This resulted in avoidable confusion and, resultantly, poor interagency coordination.

Third, the potentially efficient and effective counterterrorism tools – joint investigation teams, dedicated specialist prosecutors and trial courts, reverse burden of proof - provided under the Protection of Pakistan Act 2014 and made part of

21st Constitutional Amendment have yet to become operational. The result is that hardly any convictions of arrested terrorists or their aides have taken place other than in the military courts.

Fourth, a successful Karachi operation of late has gone out of steam thanks to criminalization of politics and politicization of law enforcement afflicting Pakistan's weak governance structures.

Fifth, much talked about reform, funding control and monitoring of seminaries is not backed by reliable data listing particulars of teachers and seminaries that have actually been brought to justice or proceeded against for aggressively pursuing extremist agenda. Nor have details of those receiving foreign funding been made public. The result is that the skeptics are unconvinced about the real efficacy of NAP.

Sixth, real time institutionalized sharing of intelligence between relevant stakeholders is a far cry from what NAP's purpose was.

Seven, NACTA is still struggling to stand on its own two feet. The Board of Governors of NACTA, with Prime Minister as its Chairperson, is statutorily required to meet at least once every quarter. The Board hasn't met even once over the past three years. This explains where NACTA fits on the government's priority radar.

Eighth, inadequate and anachronistic public safety capacity has remained a big debilitating factor. Likewise, reinvention and revamping of police station, the basic police unit, and medium to long-term criminal justice reform need higher priority on the NAP trajectory.

Last but not least, without strong political will the task of bringing about urgent transformation of counterterrorism narrative and strategy will remain illusory. What is needed is sincere, impassioned and robust implementation of NAP by a bold and trending political and public safety leadership. Without total ownership and unflinching commitment and sustained resolve to delegitimize extremist ideology and dismantle terrorist infrastructure, the existential threat to Pakistan's peace and stability will not be tamed sooner.

Dr. Shoaib Suddle is a veteran police officer who has served multiple Inspector General posts. He is the foremost police and CrPC reform specialist in the country. He can be reached at dsuddle@gmail.com.

PART 1: MORATORIUM LIFTED

MORATORIUM LIFTED

NAP POINT 1: Implementation of death sentence of those convicted in cases of terrorism.

1.1 Introduction

The very first point in the NAP, and our first theme, is the lifting of the moratorium that had been in effect since 2008. Pakistan People's Party came into power in the 2008 elections, installing former Prime Minister Benazir Bhutto's husband Asif Ali Zardari as the President. Bhutto was a lifelong opponent of the death penalty, and in her honor, the party instated an indefinite moratorium on the death penalty in Pakistan.

Most believe the moratorium was lifted after the Army Public School (APS) attack on December 16, 2014. In actuality, the moratorium had come to an end two years prior, when a former soldier, Muhammad Hussain was hanged at Central Jail Mianwali, on November 14, 2012 after being convicted of murder by a military court¹. The enactment of NAP drastically accelerated this process, but the moratorium had already been violated. Even after the APS attack, the first executions occurred on December 19, 2014, six days before the NAP was formally announced and adopted.

1.2 Methods of Execution

Pakistan almost exclusively uses hanging as its chosen method of execution. Stoning was also legislatively introduced in 1990, however, it has never been used as a method of execution and was legislatively demoted in 2006². Various other methods are used around the world, including lethal injection, shooting, electrocution, stoning and several others.

1.3 Worldwide Comparison

Since NAP, and as of January 24, 2016 (the first 13 months), a total of 345 individuals have been hanged for various crimes in Pakistan³. Of these, 327 were hanged

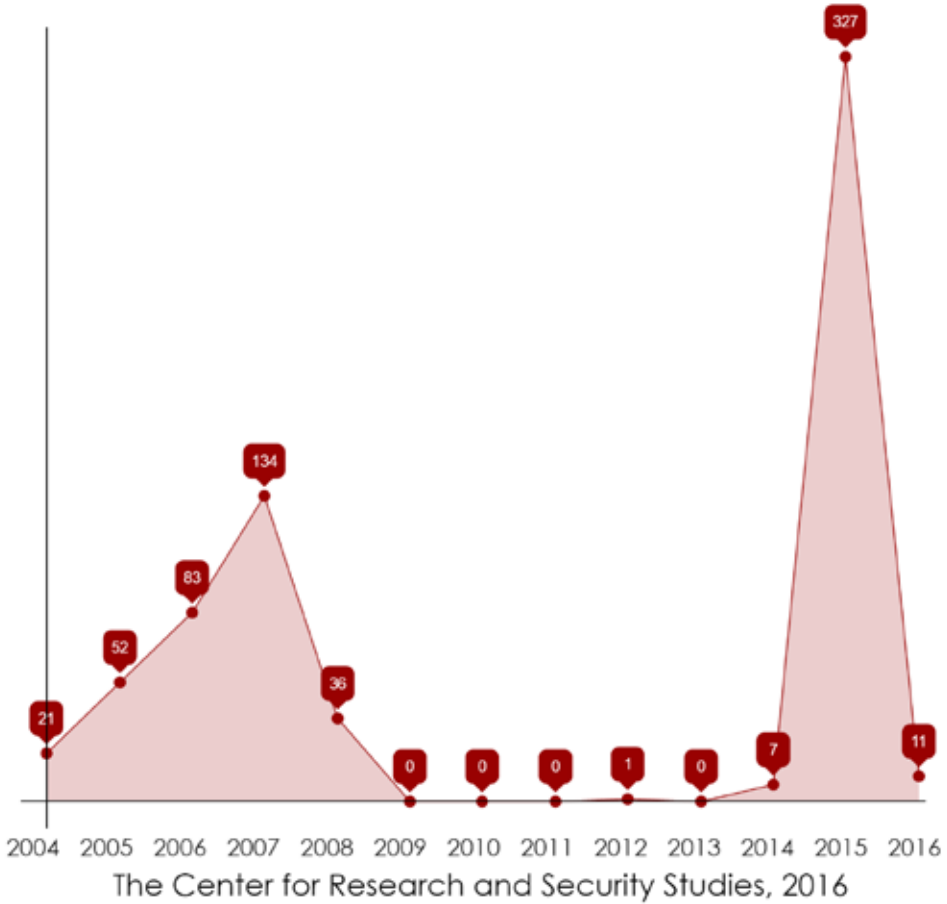
¹ Pakistani soldier Muhammed Hussain is executed for murder. (2012). Retrieved February 16, 2016, from <http://www.bbc.co.uk/news/world-asia-20337183>.

² Hubbard, A. (2007). Slow march to the gallows: Death penalty in Pakistan (Publication No. 464/2). Retrieved February 14, 2016, from <https://www.fidh.org/IMG/pdf/Pakistan464angconjointpdm.pdf>.

³ See Annex I: Executions.

in the year 2015 alone. Previously, 2007 was the year with the most number of executions in the last decade in Pakistan, with 134 people executed.

Graph 1.1: Executions since 2004⁴



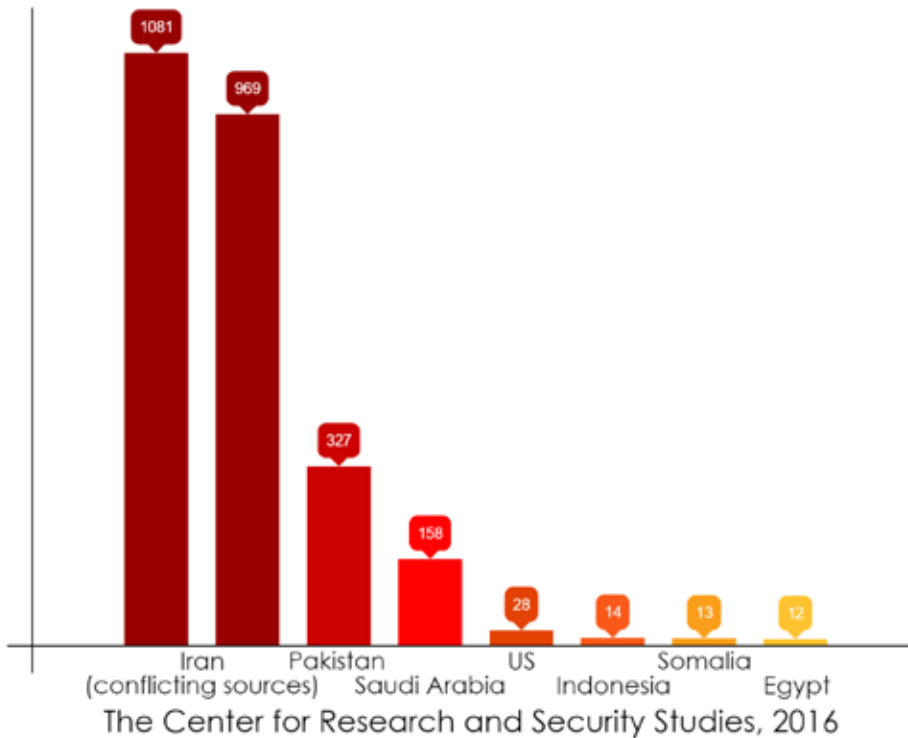
The 327 executions in 2015 place Pakistan third in the world in terms of the number of individuals executed by the state. China is widely recognized as the country with the most number of executions, but because this data is considered a state-secret, there are no official figures available. There were an estimated 2,400 executions each in China in 2013 and 2014⁵. This is down significantly from 2002, when an estimated 12,000 people were executed in China. Iran ranks second,

⁴ Who has been executed? (n.d.). Retrieved February 16, 2016, from <http://hrcp-web.org/hrcpweb/who-has-been-executed/>.

⁵ China Executed 2,400 People in 2013, Dui Hua. Retrieved May 2, 2016, from http://duihua.org/wp/?page_id=9270#.VEYCPVN1sYg.twitter.

with an estimated 969⁶ – 1,084⁷ people executed in 2015, although the government officially maintains that 364 were executed. Even when government count is used, Pakistan ranks third in the world in terms of executions assuming China's unknown executions rank highest. This is followed by Saudi Arabia, which reportedly executed 158 people in 2015⁸.

Graph 1.2: Executions in 2015 by country⁹



⁶ IHRDC Chart of Executions by the Islamic Republic of Iran - 2015. (n.d.). Retrieved February 16, 2016, from <http://www.iranhrdc.org/english/publications/human-rights-data/chart-of-executions/1000000564-ihrdc-chart-of-executions-by-the-islamic-republic-of-iran-2015.html>.

⁷ Reported Executions 2015. (2016). Retrieved February 17, 2016, from <https://iranrights.org/>.

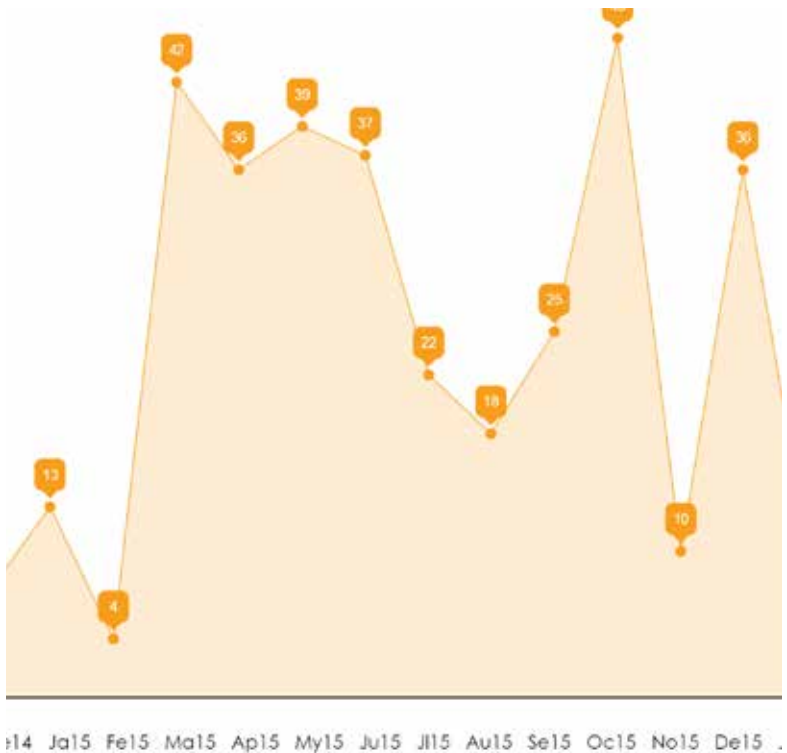
⁸ Cornell Law University (2016). Death Penalty Database - Saudi Arabia. Retrieved February 17, 2016, from [http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Saudi Arabia](http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Saudi%20Arabia).

⁹ Death Penalty Worldwide - Executions in 2015. (n.d.). Retrieved February 16, 2016, from <http://www.deathpenaltyworldwide.org/country-search-post.cfm>

#	Country	No. of Executions ⁹
1	China	Unknown
2	Iran	969/1081
3	Pakistan	327
4	Saudi Arabia	158
5	USA	28
6	Indonesia	14
7	Somalia	13
8	Eqypt	12

1.4 Executions by Month Since December, 2014

Graph 1.3: Executions by month since December, 2014.



Month	Executions
December, 2014	7
January, 2015	13
February, 2015	4
March, 2015	42
April, 2015	36
May, 2015	39
June, 2015	37
July, 2015	22
August, 2015	18
September, 2015	25
October, 2015	45
November, 2015	10
December, 2015	36
January, 2016	11

October 2015 ranks the highest with 45 total executions in a single month, and February 2015 saw the fewest executions at 4. Aside from a slow start, Pakistan has been fairly consistently executing just under one convict a day.

1.5 Controversies and Criticism

The decision to lift the moratorium has come under significant criticism from both foreign governments and human rights activists and organizations.

1.5.1 Number of Inmates on Death Row

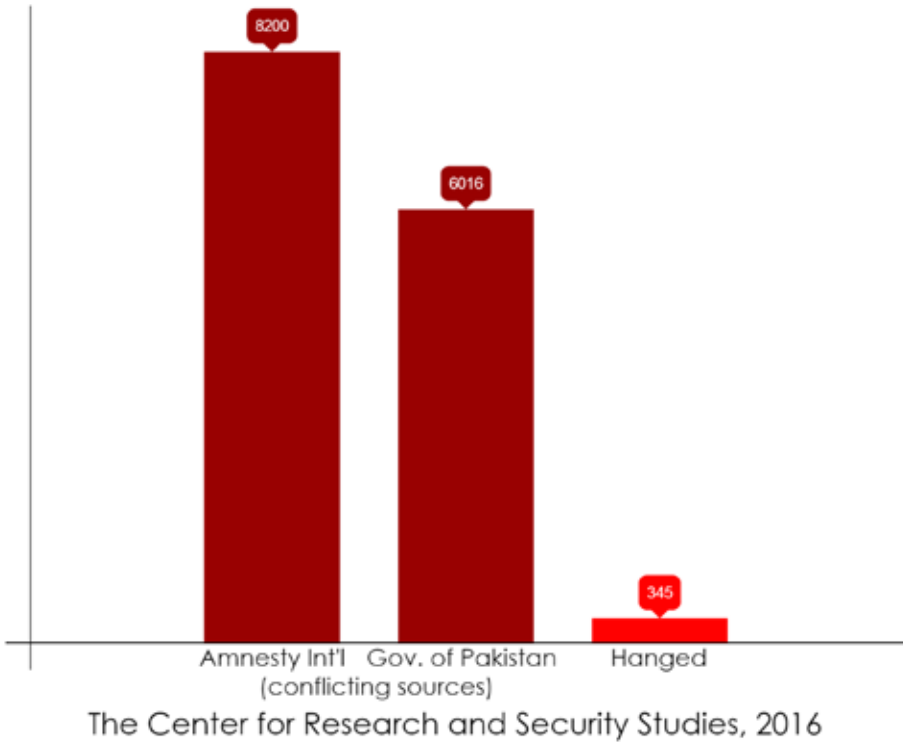
Amnesty international reports that over 8,200 are currently on death row in Pakistan.¹⁰ This figure is contradicted by Minister of State for Interior Baleeghur Rahman, who told the Senate of Pakistan in October 2015 that 6,016 prisoners were on death row in the country's jails.¹¹ Either way, given the current rate, Pakistan

¹⁰ Niaz, T. (2015, October 07). Over 6000 condemned prisoners in Pakistan. Retrieved February 28, 2016, from <http://nation.com.pk/national/07-Oct-2015/over-6000-condemned-prisoners-in-pakistan>.

¹¹ Reprieve - Pakistan reaches 150 hangings, amid plans for juvenile execution. (2015, June 04). Retrieved February 28, 2016, from <http://www.reprieve.org.uk/press/pakistan-reaches-150-hangings-amid-plans-for-juvenile-execution>.

will take two decades to execute all death row convicts, not accounting for any additional convictions in said time period.

Graph 1.4: Number of reported inmates on death row in Pakistan



[1.5.2 Human Rights Watch](#)

Human Rights Watch (HRW) termed Pakistan’s decision to lift a ban on capital punishment as a “flawed and reckless response” to the horrific Peshawar School Attack and urged Pakistan to reinstate the moratorium on death penalty as a step towards its abolition. A day later, on December 19, 2014, the first hangings took place.

Deputy Asia Director Phelim Kine said instead of this emotional response in a state of national grief, the Government of Pakistan must address the security threats that create these situations for criminals and militants to thrive. He termed the death penalty as an inherently cruel and irrevocable punishment, “The Pakistan government can take a powerful symbolic stand against the mass murder in Peshawar by reaffirming its opposition to killing and immediately re-

instating the death penalty moratorium”.¹²

More criticism followed in March, 2015. Kine said, “The Pakistani government’s ill-conceived decision to completely abandon its death penalty moratorium puts thousands of lives at risk. Government approval of a potential nationwide execution spree is a knee-jerk reaction to a terrible crime rather than a considered response to legitimate security concerns.”

Pakistani law dictates capital punishment for 27 offenses, including murder, rape, treason, and blasphemy.^{13, 14} A joint report issued earlier in December by the nongovernmental human rights organization Justice Project Pakistan (JPP) and Reprive concluded that an overuse of anti-terrorism laws by Pakistan’s security forces and judiciary has been observed which is reflected by a high number of people on death row for terrorism related convictions. The report states that “instead of being reserved for the most serious cases of recognizable acts of terror, the anti-terror legislation is in fact being used to try ordinary criminal cases, either in a deliberate attempt to evade the procedural safeguards guaranteed by ordinary courts or due to the vague and overly broad definitions of ‘terrorism’ in the legislation.”¹⁵

1.5.3 International Community and the EU

The EU and most western countries have also expressed grave concerns over the death penalty and its impact in Pakistan. EU spokesperson Catherine Ray said the EU has constantly called for the universal abolition of capital punishment.¹⁶

EU envoy to Pakistan Lars-Gunnar Wigemark and other delegates reacted to the uplifting of moratorium in a joint statement, “We believe that the death penalty is not an effective tool in fight against terrorism.” EU demanded the immediate restoration of moratorium on death penalty. Head of European Parliament Sub-Committee on Human Rights Ana Gomes voiced the EU’s stance against the death penalty. “The EU is opposed to the capital punishment in all cases without excep-

¹² Web Desk. (2014, December 18). Lifting moratorium ‘a flawed response to Peshawar school attack’: HRW. Retrieved May 5, 2016, from <http://tribune.com.pk/story/808906/hrw-term-lift-of-moratorium-a-flawed-response-to-peshawar-school-attack/>

¹³ Death penalty offences. (2015, November 26). Retrieved February 16, 2016, from <http://hrcp-web.org/hrcpweb/death-penalty-offences/>.

¹⁴ See Annex III: Death Penalty Offenses.

¹⁵ Pakistan: Take Death Penalty Off the Table Resuming Executions for All Capital Crimes a Huge Step Backward. (2015, March 12). Retrieved February 28, 2016, from <https://www.hrw.org/news/2015/03/12/pakistan-take-death-penalty-table>.

¹⁶ Haider, M. (2015, January 11). EU demands reinstatement of death penalty moratorium in Pakistan. Retrieved February 27, 2016, from <http://www.dawn.com/news/1187562>.

tion. The EU delegation hopes that the moratorium on the death penalty will be extended, which will be a key step in the right direction,” Gomes said, adding that it will be viewed as major setback if Pakistan lifted the moratorium.^{17 18}

1.5.4 Human Rights Commission of Pakistan

Pakistan has to face opposition on the international as well as national level on the uplifting of the moratorium. Human Rights Commission of Pakistan (HRCP) had concerns regarding the high number of executions and the hangings of inmates allegedly convicted as juveniles. In a statement, the HRCP said: “The resumption of executions as well as the pace with which they are being carried out is matter of concern. The state of Pakistan executed 134 persons in the 12 months of 2007. In a little over five months in 2015, that number has already been exceeded. What is even more troubling is that this figure has been reached when nearly seven months of the year are still left.”¹⁹

HRCP restated that wrongful and unjust convictions could be made because of well documented deficiencies and in the law and flawed criminal justice system. In fact, the prevailing circumstances have made it considerably more difficult for the accused to assert their due process rights, particularly the presumption of innocence until guilt is proved. Even if the government thinks that a complete abolition to executions is not possible immediately for any reason, HRCP has urged the government to stop executing all but those found guilty of committing the most serious crime.

1.5.5 Amnesty International

Amnesty International’s response is as expected. “Pakistan’s ongoing zeal for executions is an affront to human rights and the global trend against the death penalty,” David Griffiths, the group’s South Asia Research Director, said in the statement.

Since a wheel-chaired man was set for execution, Pakistan government had to face severe reactions from rights-based organizations and the international com-

¹⁷ Haider, M. (2014, December 24). EU opposes removal of moratorium on death penalty in Pakistan. Retrieved May 2, 2016, from <http://www.dawn.com/news/1152894>.

¹⁸ Gishkori, Z. (2013, August 28). Capital punishment: EU cautions against lifting moratorium. Retrieved May 2, 2016, from <http://tribune.com.pk/story/596285/capital-punishment-eu-cautions-against-lifted-moratorium/>.

¹⁹ Haider, M. (2015, January 11). EU demands reinstatement of death penalty moratorium in Pakistan. Retrieved February 27, 2016, from <http://www.dawn.com/news/1187562>.

munity.²⁰ “Even if the authorities stay the execution of Abdul Basit, a man with paraplegia, Pakistan is still executing people at a rate of almost one a day,” Griffiths said.

The rights group also alleged that many of the executions do not meet international fair trial standards.²¹

1.6 Does the Death Penalty Serve as a Deterrent?

The Pakistani government believes that the death penalty serves as a significant deterrent to the criminal mindset. “You’ve seen the number of terrorist attacks going down drastically,” the Prime Minister’s Special Assistant for Law, Ashtar Ausaf Ali, told Reuters. “One of the reasons is fear. Fear of being executed.”²²

Data suggests that terrorism and overall casualties have seen a significant decline in 2015. However, there is no data to suggest a correlation between executions and reduction in crime.

Kine’s response was as follows: “Pakistan’s government should demonstrate wise leadership by recognizing the well-documented failure of the death penalty as a crime deterrent and joining the growing number of countries that have abolished capital punishment. The government should treat the death penalty for what it is: a cruel and irrevocable punishment rather than a policy solution to complex crime and security problems.”

Griffiths states that there is no evidence the “relentless” executions have done anything to counter extremism in the country.

Please also see [Section 1.8](#) below for an argument for whether the death penalty serves as an actual deterrent to crime, militancy and insurgency.

²⁰ Hall, J. (2015, August 22). Pakistan plans to execute a severely disabled man by hanging him to death while he remains seated in his wheelchair. Retrieved February 17, 2016, from <http://www.dailymail.co.uk/news/article-3204936/Pakistan-plans-execute-severely-disabled-man-hanging-death-remains-seated-wheelchair.html>.

²¹ AFP. (2015, November 25). Execution of disabled man delayed for fourth time. Retrieved February 11, 2016, from <http://nation.com.pk/islamabad/25-Nov-2015/execution-of-disabled-man-delayed-for-fourth-time>.

²² Houreld, K. (2015, July 27). Insight - Militants in minority in Pakistan execution drive, deterrent effect debated. Retrieved January 11, 2016, from <http://uk.reuters.com/article/uk-pakistan-executions-insight-idUKKCN0Q00WI20150727>.

1.7 Conclusion

By the government's standards, executing inmates on death row has been a necessary and successful step towards the implementation of the NAP. However, the complexity of the situation in Pakistan has serious implications for this point in the NAP, and the criticism from rights-based organizations as well as foreign governments, in addition to the lack of evidence that the death penalty serves as a deterrent, will continue to put pressure on the government to reconsider its stance. However, there is no evidence to suggest that this process will slow down or recede in the slightest, and executions will likely continue unabated in the year to come.

1.8: OPINION: Unpardonable
by Zaair Hussain

The attack on APS Peshawar was one of those moments upon which a nation's history turns. A hundred and thirty two of our children were murdered in cold blood, our hearts shattered, and the moratorium on the death penalty snapped like a twig.

The abolition, like the moratorium itself, was not an act of the judiciary. It was an act of the executive, a political act. A wounded nation roared for blood, and Prime Minister Nawaz Sharif chose not to stand between the maddened crowd and their pound of flesh.

Philosophically, the idea of capital punishment (in special cases and contexts) is not entirely without merit. Broadly, there are three substantial arguments to support the lifting of the moratorium:

First, the idea that vengeance (often called 'justice') has no place in the law is nonsensical. The law is made by and for human beings, and the state assumes the role of retribution so that vigilantes do not take to the streets. The law asks to be more patient, more methodical than we would otherwise be. It does not ask us to be saints, or to find in our hearts forgiveness for the unforgivable.

Second, men who murder children have severed their ties to civilized humanity and declared total war on the country - they have clearly signaled their intent to fight without regard to any humanitarian code of just war. A life dedicated to bringing unfathomable pain to others cannot have unlimited inherent value, under most moral frameworks, simply because it's genetic makeup is human.

Third, our prison system has repeatedly shown it has little capacity to neutralize terrorists. Maulana Abdul Aziz waged an armed war against the state from Lal Masjid and was again delivering sermons from the same mosque within a year. Mumtaz Qadri, allegedly, convinced at least one guard to carry out a murder from within his cell. 175 inmates were violently jail broken by the Taliban in DI Khan in 2012. While it is true that the threat of death is unlikely to deter terrorists, execution is at least a reliable form of neutralization.

That said, all Pakistanis should be wary of the wanton way in which capital punishment has come rushing in to fill the void of national loss.

Even if we consider that the state was correct in acceding to the demand of its people, their fury was aimed at terrorists. Executions were not only resumed, they were stepped up to new heights. Pakistan has executed 345 people as of January 24, 2016, the highest number on record. According to data collected by

the Human Rights Commission of Pakistan (HRCP), of the 195 people executed as of July 31, a minority were terrorists: -between 22 and 42 depending how broadly “terrorism” is defined.

What was supposedly a narrow and focused effort against terrorism seems to be a cover for broad and profound changes. This is a terrifying prospect. We need only look at recent history and the global “war on terror” to understand how far even a democratic government can overreach when its people are frightened and wounded and angry.

Pakistan’s legal system has infamously little in the way of safeguards, particularly for the poorer and more vulnerable members of its population: underage and mentally disabled prisoners have been convicted of and executed for capital crimes. Incidents of confessions extracted under torture and falsified evidence are reportedly rampant. The vast majority of defendants have no access to competent legal counsel, and due process is a theoretical ideal rather than a reasonable expectation.

Finally, the sheer pace of convictions and executions should horrify anyone, pro or anti capital punishment, who believes at all in fair trials. The idea that Pakistan’s lumbering legal system could convict and execute over 300 people the first year while maintaining any standards of due process is absurd. Another 8,000 remain on death row, almost thrice the number of the much larger United States, which is itself no stranger to capital punishment.

In a democracy, we the people are complicit in the functioning of the state, including the machinery of death. It is not a thing to be trifled with, to be flipped on in a moment of rage and sorrow. If we wish to preserve capital punishment in our nation, this is our collective right. But with it comes an intense responsibility to be aware of exactly who we are executing, and exactly why. With it, too, comes a responsibility to hold our state accountable for this most profound of punishments. To execute a man may, sometimes, be a harsh necessity. To execute a man without due process is murder, and stains all our hands with blood.

It makes for a poor tribute to the children of APS.

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PART 2: MILITARY COURTS

2.1 Introduction

MILITARY COURTS

NAP POINT 2: Special trial courts under the supervision of Army. The duration of these courts would be two years.

The second point in the NAP, and our second theme, is the establishment of the military courts to try terrorists under Anti-Terrorism Act (ATA) 1997 in Pakistan. In the first phase, nine military courts were established, three in Khyber Pukhtunkhwa (KP), three in Punjab, two in Sindh and one in Baluchistan.¹ At the moment 11 military courts are functional in Pakistan, with the last two instated in Karachi, Sindh, on August 26, 2015 by Chief of Army Staff (COAS).² The Ministry of Interior and Narcotics Control presented a report in National Assembly in January, 2016. According to that report 148 cases have been transferred to these special courts.³ The report also confirms 11 courts.

Military courts have been given legal cover through a constitutional amendment which was opposed by major political parties because of victimization in the past. An All Parties' Conference (APC) was called to create a consensus, which was reached after a discussion and assurances that politicians, traders, media etc. will not be tried in military courts.⁴

Prime Minister Nawaz Sharif stated that the courts will only try hardcore terrorists. "Special courts are part of the National Action Plan and are meant to provide an extraordinary solution for an extraordinary problem. All institutions would have to carefully scrutinize cases to be sent for prosecution in the special military tribunals."⁵

The Federal Interior Minister Chaudhry Nisar has mirrored the PM's statements, stating that only terrorists will be tried in military courts.⁶ He also tried to dissi-

¹ Staff Reporter. (2015, January 10). Nine military courts set up. Retrieved February 27, 2016, from <http://www.dawn.com/news/1156104>.

² AFP. (2015, August 26). Army Chief Approves More Military Courts. Retrieved February 24, 2016, from <http://newsweekpakistan.com/army-chief-approves-more-military-courts/>.

³ Questions and Oral Answers, 28th session of the National Assembly. (2016, January 15). Retrieved March 15, 2016, from http://www.na.gov.pk/uploads/documents/questions/1452850149_459.pdf.

⁴ Khalti, S. (2015, January 01). Military Courts: Old Fears, New Hopes. Retrieved February 24, 2016, from <http://pique.pk/military-courts-old-fears-new-hopes/>.

⁵ Staff Reporter. (2014, December 31). Military courts will try only hardcore terrorists: Nawaz. Retrieved February 24, 2016, from <http://www.dailytimes.com.pk/national/31-Dec-2014/military-courts-will-try-only-hardcore-terrorists-nawaz>.

⁶ Web Desk. (2015, January 03). Army did not put any pressure over formation of military courts: Nisar - The Express Tribune. Retrieved February 24, 2016, from <http://tribune.com.pk/sto->

pate the impression that the establishment of military courts means that the existing judicial system of the country is not delivering justice. Pakistan needs some extraordinary measures to deal with terrorism; establishment of military courts is the need of the time, he said.

Please see [Section 9.2.1: Pending Cases in Pakistan's Courts](#).

The 21st constitutional amendment was passed by both the National Assembly and the Senate on January 6, 2015, providing constitutional cover to the establishment of military courts.⁷

During a recent meeting to review implementation of NAP in Islamabad, it was approved to extend the scope of military courts to Gilgit Baltistan (GB). GB and Azad Jammu and Kashmir (AJK) councils will also adopt the 21st constitutional amendment to facilitate the formation of military courts.⁸ However, this remains pending.

Analysts and pundits in the country were quick to label the 21st Amendment a “soft coup”, and labeled the establishment of military courts as tacit acceptance of the failure of the justice system in Pakistan, particularly when it came to trying alleged terrorists. Military courts have also been called a “parallel judicial system”.

ry/816609/army-did-not-put-any-pressure-over-formation-of-military-courts-nisar/.

⁷ Rasheed, P. (n.d.). Constitution (Twenty-first Amendment) Act, 2015. Retrieved February 24, 2016, from http://www.na.gov.pk/uploads/documents/1420547178_142.pdf.

⁸ Haider, M. (2015, January 13). Govt extends scope of military courts to Gilgit-Baltistan, AJK. Retrieved February 24, 2016, from <http://www.dawn.com/news/1156747>.

2.2 ARTICLE: Military Courts: Old Fears, New Hopes – A History of Military Courts by Sher Ali Khalti⁹

Despite bitter experiences linked with military courts of the past these courts are the necessity of the day to deliver speedy justice to terrorists

It was a freezing cold day of the last week of December 1970. A young boy was sitting in front of a major, a colonel and a session judge in a special military court. The court was set up in Adiyala Jail of Rawalpindi, right there in the room of the superintendent of the jail. The crime of the young boy was that he had made a speech against Martial Law Administrator General Yahya Khan at Lal Kurti Bazaar of Rawalpindi. There was no sign of repentance on his face and he did not plead for mercy. He was awarded a sentence of six years' rigorous imprisonment by the military court.

It may come as a surprise for many people that he was none else than the sitting information minister Pervaiz Rashid. No one knew, as time passed, that one day he would himself justify his sentence and express confidence in the military courts that punished him for "speaking the truth." Yes this is the same Pervaiz Rashid, who after 45 years of award of punishment has presented a draft in the assembly about a constitutional amendment. This amendment will pave way for the establishment of military courts all over the country.

The only difference, stated by supporters of the intended move, is that at that time the military courts targeted democratic struggle and took away the right of free speech from people but this time these are being established to deal with the menace of terrorism. It is also said that the lacunae in the criminal justice system and the reluctance of witnesses, lawyers etc. to appear against terrorists in courts have helped the accused. The life of judges hearing terrorism cases and punishing terrorists is also at stake.

Military courts have always been controversial. They were established for the first time in 1953 when first martial law was imposed in Lahore to curb the riots against Qadianis. Death sentences were awarded to Maulana Maudoodi of Jamaat-e-Islami, Maulana Abdul Sattar Niazi of Jamiat Ulma-e-Islam (JUI) and others. These sentences were criticized and condemned all over the world and the martial law administrator had to change them to life imprisonments.

In 1958, this was General Ayub Khan who established military courts. Many pro-

⁹ Khalti, S. A. (January 1, 2015). Military Courts: Old Fears, New Hopes. Retrieved March 23, 2016 from <http://pique.pk/military-courts-old-fears-new-hopes/>. Reproduced with permission from original author. Pique is now defunct and attempts to contact its staff were unsuccessful.

gressives and leftists were hanged on the orders of these courts. Nationalists were also taken to gallows as they had continued struggle for their rights. Sardar Nauroz Khan and his siblings were awarded death sentence by military courts. While the death sentence of Sardar Nauroz Khan was converted into life imprisonment viewing his old age, his sons and nephews were not spared and hanged. Nawab Akabar Khan Bugti was also awarded life imprisonment. His only crime was to raise voice in the favour of Baloch people. The inhabitants of East Pakistan, Sindh and Sarhad (now KPK) provinces were also the victims of military courts.

In 1969 General Yahya followed the footsteps of his predecessors and established military courts. Workers of Awami National Party, Pakistan People's Party and Awami League, and communists were tried by military courts. Thousands of workers of Awami Leagues were given sentence in 1972 by these courts. However, these military courts were abolished under the orders of Justice Hamood-ur-Rehman who was tasked with looking into reasons behind separation of East Pakistan and compiling a report on the basis of these findings.

In 1979, General Zia came into power by the virtue of another martial law. Military courts were set up all over the country. The purpose behind this move was that to crush millions of people who were demanding fundamental rights and striving for restoration of the constitution of 1973. Sentences were awarded on a large scale in Sindh in Zia's regime by special military courts. Thousands of workers of Movement for Restoration of Democracy (MRD) including women had to face the wrath of Zia.

The solution to Karachi unrest and lawlessness was also sought through the establishment of military courts during the last regime of Nawaz Sharif. In 1999, the Supreme Court of Pakistan (SCP) under Chief Justice Ajmal Mian suspended these military courts. The SCP declared there was no space for parallel courts in the constitution of Pakistan.

Now Nawaz Sharif is once again in power and military courts are being established through an amendment in the constitution. Almost all the political parties are against military courts as they have been haunted by these in the past. They do not want to be victimized once again. An All Parties' Conference (APC) was called to discuss the issue and all the political parties present there expressed their concerns. After sometimes they were convinced and assured that politicians, traders, media etc will not be tried in military courts.

Chaudhry Nisar has repeatedly stated that military courts will only hold trials of terrorists and country's judicial system will continue to function. He has also tried to dispel the impression that the establishment of military courts means that the existing judicial system of the country is not delivering justice. "Pakistan is passing through an extraordinary situation and this situation demands extraordinary

measures,” Nisar said.

He further explained in a press conference that Pakistan Army, police and security agencies would present terrorists before special courts where they would get an opportunity to defend themselves. “The special courts headed by army officers will also work under laws, rules and regulations,” he explained in a bid to dispel fears that these courts will witch hunt people just for having a different view.

Having discussed the history of military courts in details one comes to the situation on ground and the concerns of those who are likely to be affected. The latest situation is that (till the filing of this report) the government has introduced two bills in the National Assembly by visualizing 21st amendment to the Constitution of Pakistan. One is related to Pakistan Army Act, 1952, for speedy trial of terrorists mainly in the wake of a terrorists attack on Army Public School, Peshawar. Any person who is or claims or is known to belong to a terrorist group or organization using name of religion or sect and raises army or wages war against Pakistan or attacks the armed forces and law enforcement agencies or attacks any civil or military installations or kidnappings of any person for ransom or causes death to any person or injury shall be punished under amended Pakistan Army Act. The military courts would be established and have a tenure of two years.

Senator Taj Haidar, senior PPP leader, expressing his concerns on the establishment of military courts said: “their history is not good at all. There is no need of parallel courts. Civilian courts will be weakened in the presence of military courts. As civilian courts get weakened democracy also gets weekend.” Taj adds that Army also got weakened when parallel armed forces of militants were raised by the establishment. These militants spread havoc in the country and today no one is safe from the barbarism of the terrorists.

Taj says Taliban were given an opportunity to organize themselves while the negotiations were being done between them and government. “Taliban organized and weaponized themselves during the time space given to them in the name of negotiations. Actually Taliban is a corps of establishment. But when they attacked Army Public School, Peshawar, the establishment decided that they should be handled strictly as it was hard to control them like in the past.”

Taj questions that if the intelligence agencies know when the Taliban are going to attack a target, then why they do not arrest them in time. If people from intelligence agencies can be entered in Taliban groups to keep an eye on their activities, then strict action can also be done against them. “Extremists have their political wings also like PTI. Taliban are organized and concealed themselves in many cores,” he asserts.

General (retired) Hameed Gul has a totally different opinion. He told Pique that

“military courts are a demand of time and justice. Our civilian courts have failed to provide justice. Judges are afraid of giving verdict against terrorists. There are many flaws in our law which is old and carved during the Anglo-Saxon age.” He says judiciary releases terrorists due to insufficient evidence and nonappearance of witnesses. “When a terrorist will come to a military court he will be punished within short span of time. The terrorist will be provided access to civilians lawyers so that he can defend himself,” he adds.

Responding a question, former ISI chief said that a major or a colonel will hear a case and it is wrong to say that no military officer knows the law. “Laws are taught during our training.” He rejects the claim of Taj Haider that democracy will be weakened due to the establishment of these courts. “Democracy will be strengthened if justice is done. Military courts are being set up on the request of democratic government. These are not being imposed by any one,” he adds.

When asked about the definition of terrorism and a terrorist, he says there existed confusion. Even the UN, which held a convention on this subject in 2003, failed to reach a consensus on the exact definition of terrorism.

He says 95 percent of the killers are released due to loopholes in law. He says “judges surrender as terrorists threaten them. But an army officer does not come under any pressure as he plays with danger all the time. It is a part of his training. I would again say that setting up of military courts is the only way to crush terrorism.”

Syed Nisar Safdar, Advocate Lahore High Court condemns military courts out rightly. He says it would be ridiculous if someone says that judges surrender as they are threatened. “If judges are provided the same security and environment as provided to army officers they can give excellent judgments. Military must only secure borders and should not intervene in the civilian judicial system. Establishment of military courts is actually a sheer violation of human rights,” said Safdar said.

He questions that how can a military officer hear cases related with law without having any experience of understanding and practicing law. “Can lawyers secure country’s borders? If the answer is no then how can a military office hear a case and give a verdict” he questions. Safdar says the attack on Army Public School is not a failure of judiciary. “It is a failure of army and intelligence agencies,” he comments.

Babar Ghauri, central leader of MQM, tells Pique that the “government has assured that only the terrorists will be tried in military courts and no political leader or other civilian would be tried in these special courts. He suggests that the military and the law enforcers shall keep an eye on madrassas which in his opinion are

the breeding grounds of terrorists and extremists.

“We had reservations on the establishment of military courts due to our past experiences with them. However, we accepted them in the best interest of the country,” Mr. Ghauri said.

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2.3 Number of Cases and Outcomes

Up until January 24, 2016, 40 terror suspects have been tried in military courts. Of these, 36 were sentenced to death, and the remaining 4 were imprisoned for life.¹⁰ Comprehensive details of the convicts sentenced in military courts can be found in [Annex IV: Military Court Verdicts](#).

Graph 2.1: Military Court Verdicts¹¹



The Center for Research and Security Studies, 2016

2.4 Controversies and Criticism

The establishment of military courts has also come under severe criticism. Human rights organizations have been concerned about whether the prisoners are provided due process. This was backed by US State Department Spokesperson Jen Psaki who said Pakistan has to be careful while trying civilian terrorism suspects in military courts and assure that they will be provided due process of justice.¹²

2.4.1 Human Rights Watch

Human Rights Watch’s Deputy Director Asia Division, Phelim Kine said, “Pakistan’s Prime Minister, Nawaz Sharif, claims to have a silver bullet to rid the country of terrorism: military courts. A constitutional amendment was signed into law on January 7, 2015 permitting military courts to prosecute terrorism suspects. The amendment justifies the use of military courts as a means “to permanently wipe out and eradicate terrorists from Pakistan”. Nawaz Sharif’s hyperbole has been no less extravagant, describing military courts as the antidote to “overcome 60

¹⁰ Mukhtar, I. (2016, January 09). Military courts convicted 40 terrorists so far. Retrieved January 19, 2016, from <http://nation.com.pk/national/09-Jan-2016/military-courts-convicted-40-terrorists-so-far>.

¹¹ Please see Annex IV.

¹² Iqbal, A. (2015, January 09). Military courts: US calls for ensuring due process. Retrieved January 19, 2016, from <http://www.dawn.com/news/1155812>.

years of unrest". Although the constitutional amendment stipulates a two-year time limit on their use, it poses a long-term threat to legal due process and rule of law."¹³

Additionally, many claim that the establishment of military courts is indicating that the country's courts have failed to provide justice. Military courts have also been called a parallel system to the existing judiciary. Oddly, one justification offered for the existence of the military courts is speedy trial of terror suspects, as well as shunning perceived ambiguities and shortcomings of the criminal justice system in Pakistan. The country's civilian courts have a well-earned reputation for prosecutions undermined by corruption, violence against prosecution and witnesses, and glacial service delivery.

2.4.2 Supreme Court's Verdict on Military Courts

Rights activist Asma Jehangir filed an application on behalf of the Supreme Court Bar Association (SCBA) against the execution of the first six convicts of the military courts, in April, 2015.^{14, 15} This was one of the fifteen petitions taken up by the apex court regarding the legality of the 21st constitutional amendment.

"Military courts violate the article 10 of the Constitution which gives the right to open and due trial to its citizens" said Kamran Murtaza, president of the SCBA. He further said that he would appeal against the Supreme Court's decision as it "violates fundamental constitutional rights of the people."¹⁶

On August 5, 2015, the Supreme Court upheld the establishment of the military courts. The apex court reasoned that the military courts were authorized and legalized by the supreme authority in the land: the parliament. Prime Minister Nawaz Sharif's Special Assistant for Law Ashtar Ausaf Ali called the decision "another strike against terror", labelling it a success for Pakistan.

"The European Union, the United States and other democracies need to understand that we need to make decisions according to our circumstances ... And we know best how to rid ourselves of terrorists," he said.

¹³ Kine, P. (2015, January 17). Are military courts the best way to fight terror? Retrieved February 24, 2016, from <https://www.hrw.org/news/2015/01/17/are-military-courts-best-way-fight-terror>.

¹⁴ Staff Reporter. (2015, August 06). Six judges declare 21st Amendment, military courts illegal. Retrieved February 24, 2016, from <http://www.dawn.com/news/1198632>

¹⁵ Iqbal, N. (2015, April 05). Military courts get Supreme Court nod. Retrieved February 24, 2016, from <http://www.dawn.com/news/1198533>.

¹⁶ Shams, S. (2015, August 07). Pakistan's military courts - a solution or a problem? Retrieved February 27, 2016, from <http://www.dw.com/en/pakistans-military-courts-a-solution-or-a-problem/a-18633959>.

2.5 Military Courts around the World

2.5.1 Military Tribunals in United States

The Army Public School incident in Pakistan is sometimes referred to as the 9/11 of Pakistan. While a crude comparison, it does illustrate the fact that the incident marked major policy shifts in the country, much like it did in the US. While the American stance on the death penalty is driven in-part by the majority of the public favoring the punishment for a crime such as murder,¹⁷ its history of military courts and orders is a separate matter altogether.

Post 9/11, President George W. Bush signed a new military order in the war on terror, intended to detain non-citizens accused of terrorism. The Secretary of Defense was given the power to establish military tribunals to try the accused within, or even outside of the United States, and would determine the rules and procedures, different from regular courts of law, to ensure a full and fair trial. Three to seven military officers would be commissioned to act as both judge and jury, and not all elements of the normal due process were to be afforded to the accused.¹⁸

In the war of 1812, a British spy was tried by a military commission constituted by General Andrew. Committees of War, a fancy name for military tribunals, were utilized during the Mexican-American War (1846-48). The Union also leveraged military tribunals during and after the American Civil War. After the 1862 Dakota War, thirty-eight individuals were executed after being sentenced by military courts. The alleged Lincoln conspirators were likewise attempted by military commission in the spring and summer of 1865. Post the Spanish–American War, military tribunals were used in The Philippines. A tribunal was also set up by President Franklin D. Roosevelt during WWII to attempt eight German citizens accused for espionage and sabotage in the United States.¹⁶

2.5.2 Military Courts in United Kingdom (The Military Court Service)

Military courts also exist in the United Kingdom in the form of the Military Court Service or MCS, granting criminal court administration to the Royal Navy (RN), Army and Royal Air Force (RAF) in the Court Martial, Summary Appeal Court (SAC) and Service Civilian Court (SCC). The MCS is headquartered in Upavon, Wiltshire, and there are five permanently manned MCCs in the UK. However, the courts are

¹⁷ Gallup. (n.d.). Death Penalty: Gallup Historical Trends. Retrieved February 24, 2016, from <http://www.gallup.com/poll/1606/death-penalty.aspx>.

¹⁸ Constitutional Rights Foundation. (n.d.). America Responds to Terrorism: Military Tribunals. Retrieved February 24, 2016, from <http://www.crf-usa.org/america-responds-to-terrorism/military-tribunals.html>.

“portable” and can hold proceedings anywhere in the world. Their function is to deliver a criminal court service for the three branches of the armed services.

2.6 Conclusion

Again, the government considers military courts to be a success, despite the criticism they are a parallel judicial system, unequivocally stating that the criminal justice system in Pakistan has failed, and allegations of a distinct lack of due process. The first half of the year was marked by significant blowback and Supreme Court proceedings. However, in the second half of the year, the verdicts picked up pace. However, despite 13 months, the fact that the “speedy trial” courts have only managed to hand out 40 verdicts establishes that perhaps these courts are not all they are made out to be. The lack of verdicts also works against the government and military’s rhetoric that these courts serve as part of the deterrent against extremism and militancy.

At present, well over one year has passed since the establishment of the military courts. However, with just forty convictions, the promises of “speedy trials” seem to have fallen short. The military courts, under the constitutional amendment that legalized them, have another year, which is due to expire on January 7, 2017. This will likely be renewed for another two years by the parliament.

2.7 OPINION: Military Courts
by Ahmer Bilal Soofi

While addressing the upper house of the parliament on 31 December 2014, Prime Minister Nawaz Sharif stated that Pakistan is in a state of war. On 16 January 2015, one month after the Army Public School (APS) Peshawar attack, the Chief of Army Staff General Raheel Sharif reaffirmed this fact. That Pakistan is in a state of war is an irrefutable fact supported by a series of statements made by Government officials and politicians, press releases by the ISPR, hostile statements by non-state actors and incidents and statements involving the TTP between 2011 and 2015.

In spite of the aura of counter-terrorism and military operations, the necessity and efficacy of military courts has been a subject of much debate. The most significant allegations have been leveled from the domestic, international and human rights perspectives. Were these courts really necessary? Are these military courts the panacea for the problems arising out of a deeply flawed criminal justice system? Have the military courts helped in countering terrorism? These are all valid questions meriting a substantive response.

The passage of the 21st Constitutional Amendment established a firm legal basis for military courts, as they were set up in accordance with the rule of law. Stretching over 900 pages, the Supreme Court's detailed verdict further strengthened the case for necessity and legality of these military courts. In paragraphs 121-145 of the plurality opinion, the Supreme Court deemed the creation of military courts a necessary and appropriate response to defend Pakistan against internal threats of war from non-state actors. Significantly, it characterized the existing situation as like', as a consequence of which the duty of the Federation, under Article 148(3) of the Constitution, to defend the provinces against external aggression and internal disorder, through the Armed Forces, was triggered.

Addressing the issue of necessity, the primary *raison d'être* for military courts was dispensation of speedy justice. The State of Pakistan is bound by its international legal obligations, under binding UN Security Council Resolutions 1373 and 1267, to counter terrorism. The Anti-Terrorism Courts (ATC) in Pakistan have been unable, for a range of reasons, to fulfill the State's obligations with regard to countering terrorism. Acquittals by the ATCs are internationally viewed as an inability of the State to fulfill its obligations. In light of this, questioning the necessity of military courts is illogical. However, the establishment of the military courts in no way absolves the Government of its responsibility to reform the ineffective criminal justice system.

Justice Umar Ata Bandial extensively referred to the direct relevance and applicability of International Humanitarian Law (IHL) to the military courts. The judg-

ment of the Supreme Court is a much-needed step in the process of clarifying the distinction between the law of peace and the law of conflict. When the TTP has committed several war crimes against the State of Pakistan, including targeting civilians and civilian objects, suicide bombing, hostage-taking and kidnapping and killing suspected spies, there is no requirement for a traditional declaration of war to be made in order for the law of war to apply in our present circumstances. Additional clarification of this factual situation is also necessary – the paradigmatic shift from peace to war must be reflected.

The military courts have been criticized for violating due process rights. In this context, it is pertinent to turn towards an examination of Pakistan's obligations under the International Covenant on Civil and Political Rights (ICCPR). Article 14 of the ICCPR requires trial of persons before a 'competent, impartial and independent tribunal'. The provisions of Article 14 are applicable to all courts and tribunals, whether civilian or military. Furthermore, General Comment No. 32, issued by the Human Rights Committee, stipulates: "While the Covenant does not prohibit the trial of civilians in military or special courts, it requires that such trials are in full conformity with the requirements of Article 14 and that its guarantees cannot be limited or modified because of the military or special character of the court concerned".

Those leveling such serious accusations, regarding violation of due process rights by military courts, must look towards Sections 73-113, 118, 119, and 126-129 of the Pakistan Army Act 1952, and the 1954 rules, which details inquiry procedures, appointments, custody issues, liability of offenders, etc. Moreover, the military courts operate on the same rules of evidence as ordinary courts, as contained in the Qanun-e-Shahadat Order 1984. A lack of understanding regarding how military courts function should not be cloaked as valid criticism from a human rights perspective.

General Comment No. 32 further asserts: "Trials of civilians by military or special courts should be exceptional, i.e. limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where with regard to the specific class of individuals and offences at issue, the regular civilian courts are unable to undertake the trials". The state of war Pakistan currently finds itself in is an exceptional circumstance and the failure of the ATCs in effectively countering terrorism allows Pakistan to resort to military court trials. Moreover, there are limitations on the types of cases that can be referred to the military courts – in fact, many of the cases referred have been rejected for falling out with the scope of exceptional cases.

The "specific class of individuals" referred to in General Comment No. 32 is taken into account under the Pakistan Army Act 1952. Section 8(8) defines an "enemy"

as all armed mutineers, armed rebels; armed rioters, pirates and any person in arms against whom it is the duty of any person subject to this Act to act". Those falling within the scope of the term "enemy" have not only taken up arms against the State but have also actively, through social media and their videos, affirmed their declaration to wage war against the State. It is these "enemies" that form the subject matter of military courts.

Article 10(9) of the Constitution, delineating safeguards as to arrest and detention, stipulates: "Nothing in this Article shall apply to any person who for the time being is an enemy alien". While, traditionally, the concept of an enemy alien has been applied in a territorial context applicable only to foreigners, the time has come to explore the possibility of "ideological enemy aliens". This is particularly significant in light of Article 5 of the Constitution, which identifies "loyalty to the State" as a "basic duty of every citizen" whereas militant non-state actors have, by their statements and actions, withdrawn this loyalty to the State.

Whether or not military courts have been effective in countering extremism and terrorism requires an understanding of counter-terrorism approaches and strategies. Counter-terrorism, in order to succeed, requires a multi-faceted approach. Military operations and military courts, while an important part of that strategy, cannot succeed without de-radicalization of society. Eliminating existing terrorists is effectively under process but to prevent the radicalization of prospective terrorists is not an objective of the military courts, nor can it reasonably be attached to them.

The trial of civilians by military tribunals is neither new nor a Pakistan-specific phenomenon. In 2001, the United States established military tribunals to conduct trials of non-citizens suspected of terrorism in the United States or abroad. In fact, the United States had used military tribunals during the US-Mexican War in the 19th century and in the mid-20th century when a U-boat brought eight German soldiers into New York. Consequently, the establishment of military courts cannot be challenged under Pakistan's domestic law or its international legal commitments so long as the principles of fair trial and due process, particularly those prescribed by IHL, are observed. Additionally, the military courts are not a permanent entity – they are merely a time-bound measure under the Constitution.

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PART 3: PROSCRIBED ORGANIZATIONS

3.1 Introduction

Our third theme comprises of several points in the NAP, specifically #3, #7, #13, #14 and #6. This theme deals with the issue of banned outfits operating on Pakistani soil.

There is also significant overlap with the fourth theme, counter-terrorism, and the NAP points that constitute that theme. Specifically points #3, #11, #14 and #6 all overlap.

Banned outfits have been operating in the form of target killings, suicide bombings, sectarian violence, hate-mongering and proliferation, and has both physical and online presence in the country.

PROSCRIBED ORGANIZATIONS

NAP POINT 3: Militant outfits and armed gangs will not be allowed to operate in the country.

NAP POINT 7: The defunct outfits will not be allowed to operate under any other name.

NAP POINT 11: Ban on glorification of terrorists and terrorist organisations through print and electronic media.

NAP POINT 13: Communication network of terrorists will be dismantled completely.

NAP POINT 14: Concrete measures against promotion of terrorism through internet and social media.

NAP POINT 6: All funding sources of terrorists and terrorist outfits will be frozen.

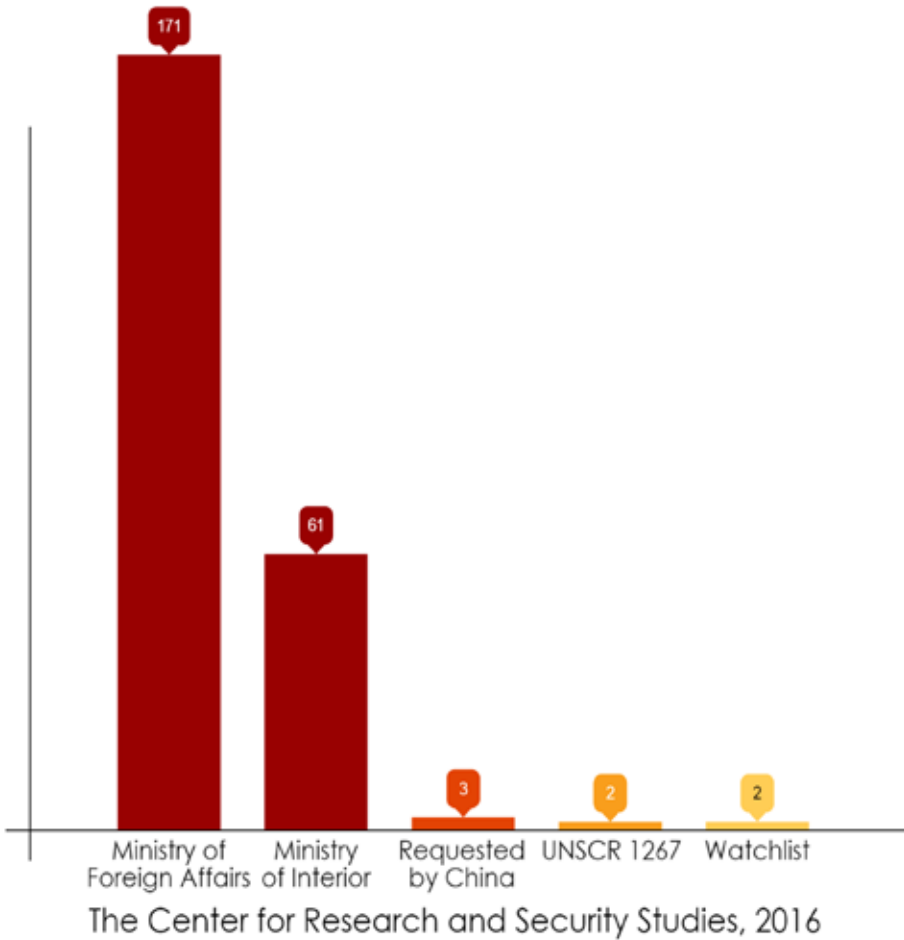
3.2 List of Proscribed Organizations in Pakistan

Pakistan has formally declared 212 outfits as proscribed organizations in June, 2015. The Ministry of Foreign Affairs banned 171 organizations, while the Interior Ministry banned 61 organizations. There is an overlap of 10 organizations banned by both ministries.

Meanwhile, Jamaat-ud-Dawa (JuD) has been put on the watch list by the interior ministry.¹

¹ Ghiskori, Z. (2015, June 28). 212 organisations formally banned by Pakistan - The Express Tribune. Retrieved March 02, 2016, from <http://tribune.com.pk/story/911295/212-organisations-formally-banned-by-pakistan/>.

Graph 3.1: Breakdown of Proscribed/Under Observation Organizations



3.2.1 Proscribed by the Interior Ministry

As of September 4, 2015, 61 organizations have been banned in Pakistan.^{1,2} The Islamic State was added to the list as the 61st banned organization in August 2015 by the Interior Ministry.³ Interior Minister Chaudhary Nisar also confirmed on December 18, 2015 to the Senate that 61 organizations had been proscribed.⁴

² A complete list can be found in Annex IV.

³ National Desk. (2015, August 27). Pakistan officially bans Daesh. Retrieved March 02, 2016, from <http://www.thenews.com.pk/latest/7624-pakistan-officially-bans-daesh>.

⁴ Alvi, M. (2015, December 19). 61 outfits banned in Pakistan, Nisar tells Senate. Retrieved March 02, 2016, from <http://www.thenews.com.pk/print/82904-61-outfits-banned-in-Pakistan-Nisar->

As may be evident from the list in Annex IV. Only IS has been added to the under observation or banned lists since the enactment of NAP.

Graph 3.2 Organizations Proscribed before and after NAP Implementation



The Center for Research and Security Studies, 2016

Additionally, this list does not contain names of several groups that have claimed responsibility for terror attacks in the country, reveals research conducted by CRSS in its own Annual Security Report.⁵ These groups include splinter factions of the TTP and can be found in CRSS Annual Security Report 2016.⁵

3.2.2 Proscribed by Foreign Ministry

The Ministry of Foreign Affairs has also banned 171 organizations. Ten of these overlap with the list from the Ministry of Interior.

tells-Senate.

⁵ Nafees, M., Gul, I., & Salahuddin, Z. (2016, February 26). CRSS Annual Security Report - 2015. Retrieved February 26, 2016, from <http://crss.pk/wp-content/uploads/2010/07/CRSS-Annual-Security-Report-2015.pdf>.

3.2.3 Proscribed under UNSCR 1267

On December 1, 2005, Pakistan also enlisted two organizations, Al-Akhtar Trust, and Al-Rashid Trust under the United Nations Security Council Resolution number 1267. The UNSCR 1267 was adopted unanimously on October 15, 1999 and deals primarily with Taliban activities in Afghanistan.⁶ As a member state, Pakistan is required to comply, as this resolution was adopted under Chapter VII of the United Nations Charter.

This cannot be viewed as a step in the implementation of the National Action Plan, as it occurred nearly a decade prior.

3.2.4 Proscribed at Request of China

In 2013, BBC Urdu⁷ reported that upon request from China, Pakistan also banned three additional organizations:

- 1) East Turkestan Islamic Movement (ETIM)
- 2) Islamic Movement of Uzbekistan (IMU)
- 3) Islamic Jihad Union (IJU)⁸

Again, since this action is well over a year before the implementation of NAP, it cannot be counted towards the plan's execution.

3.2.5 Under Observation / Watch List

JuD has been put on the watch list by the Interior Ministry as of December 1, 2005, an action that was renewed, for the fourth time⁷, in January 2016. In November, 2015, Foreign Secretary Aizaz Chaudhary also confirmed that in addition to JuD, the Filah-i-Insaniat Foundation (FIF) had also been put on the watch-list.⁹

3.2.6 Proscription Controversies

Pakistan planned to ban 12 additional terror groups in January 2015, including Ja-maat-ud-Dawa and the Haqqani Network. Had this become a reality, the number

⁶ UN Security Council Resolution 1267 (1999). (1999, October 15). Retrieved March 02, 2016, from <http://www.state.gov/j/ct/rls/other/un/5110.htm>.

⁷ Malik, S. (2013, October 23). Three Organizations Proscribed Upon Request from China (translated). Retrieved March 02, 2016, from http://www.bbc.com/urdu/pakistan/2013/10/131023_organizations_banned_fz.shtml.

⁸ Web Desk. (2013, October 23). Pakistan bans three extremist outfits, on orders from China - The Express Tribune. Retrieved March 02, 2016, from <http://tribune.com.pk/story/621400/pakistan-bans-three-extremist-outfits-on-orders-from-china/>.

⁹ Haider, M. (2015, November 19). JUD and FIF not banned, foreign secretary tells Senate committee. Retrieved March 05, 2016, from <http://www.dawn.com/news/1220795>.

of proscribed groups in Pakistan would be 73.¹⁰ This list appeared to be controversial as it was taken down days later being uploaded. JuD and FiF remained the source of controversy. Foreign Secretary Aizaz Chaudhary confirmed to a Senate committee in November, 2015 that the two groups had, in fact, not been banned, but were being closely monitored.⁷

The original list of 61 was re-confirmed by the Interior Minister in December, 2015.³

Mr. Qamar Zaman Kaira, PPP Central Information Secretary, claimed on January 24, 2016 that the government of Pakistan has lost its control over the activities of banned outfits. The passive attitude of interior minister toward lenient and slow execution of the NAP depicts the inefficiency of government of Pakistan in the face of its counter terrorism strategies, he said.¹¹

Please also see [Section 3.4](#) for an argument on why simply labeling an organization as proscribed is insufficient, and a brief analysis of what the term implies.

3.3 Measures against Proscribed Organizations

3.3.1 Efficacy of Proscription

The National Counter Terrorism Authority (NACTA) has the mandate to monitor banned groups in the country. However, there are repeated claims that the government is not releasing funds for the authority. The mechanism for monitoring groups is also unclear. Former NACTA Chief Hamid Khan, along with Interior Secretary Shahid Khan, while briefing a parliamentary committee in June 2015, said that the implementation of NAP along banned outfits was not at the pace it needed to be. They also said that the act of banning a group was largely ineffective.¹²

The Interior Minister's report to the National Assembly also highlights that there are 8,195 persons being monitored on the fourth schedule¹³, and another 2,052

¹⁰ Ghiskori, Z. (2015, January 15). Revealed: Govt decides to ban Haqqani Network, JuD - The Express Tribune. Retrieved March 17, 2016, from <http://tribune.com.pk/story/822087/revealed-govt-decides-to-ban-haqqani-network-jud/>.

¹¹ Staff Reporter. (2016, January 24). Govt blamed for ignoring banned groups' activities. Retrieved May 02, 2016, from <http://nation.com.pk/laure/24-jan-2016/govt-blamed-for-ignoring-banned-groups-activities>.

¹² Khan, A. (2015, June 29). No outfits banned after APS massacre, top court told - The Express Tribune. Retrieved March 02, 2016, from <http://tribune.com.pk/story/911569/no-outfits-banned-after-aps-massacre-top-court-told/>.

¹³ Schedule IV of ATA 1997 deals with people who are not directly involved in terrorism activities, but whose affiliation with banned outfits or their previous criminal record makes them suspicious.

have had their movement restricted.¹⁶ It is unclear, however, that much like the list of proscribed organizations, whether these numbers were in effect before the NAP, or after.

3.3.2 Proscribed and Watch Lists

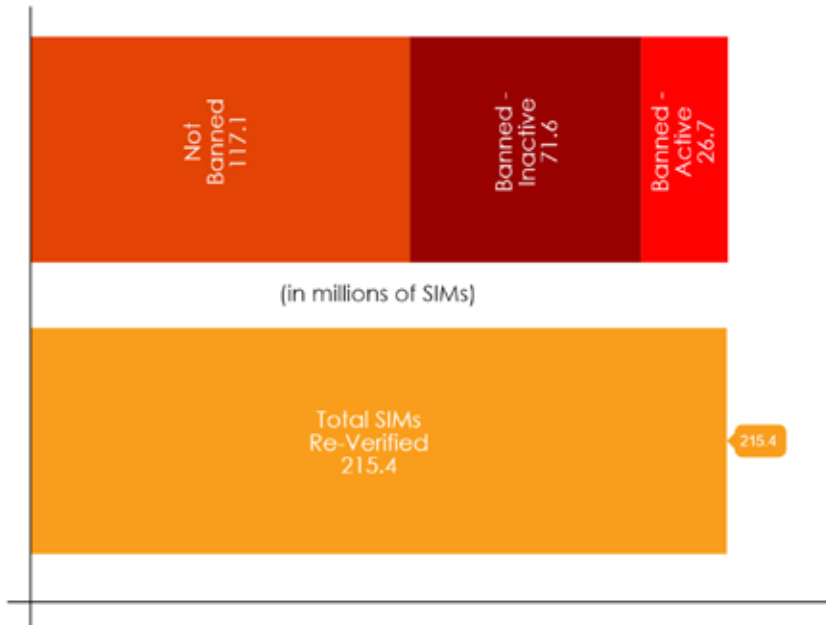
The Ministry of Interior believes that most proscribed organizations do not have radical annexes and the ministry does not intend to take action against such groups. It would be illogical to instantaneously act against all banned outfits, it said.¹⁴ Under the National Action Plan, only one organization, the Islamic State, has been added to the proscribed list,² while two others, Jamaat-us-Dawa (JuD) and Filah-i-Insaniat Foundation (FIF) have been added to the watch list.⁷

3.3.3 Communication Systems - Mobile SIMs

Under NAP, the government began the mobile SIM verification process in the country. According to the latest figures released by the Pakistan Telecommunication Authority's (PTA) Annual Report 2015, 98.3 million SIMs had been blocked by the authorities under the Biometric Verification System (BVS), out of the 215.4 million SIMs verified in total. The blocked SIMS also contained 26.7 million active SIMs. In addition, re-verification of SIMs has reduced the number of total subscribers to 114.7 million, a 60.7% penetration.

They are kept under surveillance by the police to remove the possibility of their involvement in any terrorism activity in future. As part of the process, the people are required to provide fresh pictures to the local police station every month and inform the law-enforcers before leaving the jurisdiction of their police stations. They are regularly check and monitored by police and intelligence officials.

¹⁴ Khan, I. A. (2015, January 11). Govt to act against 'violent banned outfits' only. Retrieved March 02, 2016, from <http://www.dawn.com/news/1156321>.

Graph 3.3 SIM Re-Verification Statistics (in millions)

The Center for Research and Security Studies, 2016

Ostensibly, the idea is that since SIMs are connected to the National Database and Registration Authority's (NADRA) unique ID numbers for each citizen, any illicit use can and should be tracked. However, in order to ensure that innocents are not prosecuted, both registration and verification of SIMs is underway.

Between December 2014 and January 2016, mobile service has also been shut down on seven separate days over six events to "prevent untowards incidents". This step treats symptoms, not the root cause, and is proven to have little efficacy.

Mobile services have been suspended on the following dates during this period:

1. March 23, 2015. Pakistan Day Parade.¹⁵
2. August 14, 2015. Independence Day.¹⁶

¹⁵ (2015, March 23). Mobile, internet services suspended for parade. Retrieved March 05, 2016, from <http://nation.com.pk/islamabad/23-Mar-2015/mobile-internet-services-suspended-for-parade>.

¹⁶ (2015, August 13). Cellular services suspended in Islamabad ahead of Independence Day. Retrieved March 05, 2016, from <http://tribune.com.pk/story/937276/cellular-services-suspended-in-islamabad-ahead-of-independence-day/>.

3. September 6, 2015. Defence Day (Islamabad).¹⁷
4. October 23 and 24, 2015. Youm-e-Ashura.¹⁸
5. November 27, 2015. Abdul Aziz sermon, former cleric Red Mosque (G-6, G-7, Islamabad).¹⁹
6. December 18, 2015. Red Mosque administration protest (Islamabad, Rawalpindi).²⁰

3.3.4 Communication Systems – Print and Electronic Media

Nearly a year into the implementation of NAP, in November 2015, the Pakistan Electronic Media Regulatory Authority (PEMRA) ordered a blackout of all coverage pertaining to proscribed activities, a fact that in of itself shows the impunity with which said organizations continued to operate and receive coverage.²¹ Television channels claim that they strictly ban any such coverage now.

There is no regulatory authority for print media. The All Pakistan Newspaper Society acts as a de-facto alliance of newspapers. In short, there is no check and balance over the coverage or glorification of terror groups or activities in certain print outlets. Supreme Court Chief Justice Jawwad S. Khawaja observed that PEMRA and APNS had yet not implemented the code of conduct.²²

3.3.5 Communication Systems – Online

Pakistan has more than 21.6 million broadband subscribers at the end of November, 2015, as compared to only 3.8 million at the end of FY 2013-14, according to the latest figures released by the Pakistan Telecommunication Authority's (PTA) Annual Report 2015.²³ Coupled with the introduction of 3G/4G services, Pakistan is

¹⁷ (2015, September 03). No cell phone service on 6th. Retrieved March 05, 2016, from <http://nation.com.pk/islamabad/03-Sep-2015/no-cell-phone-service-on-6th>.

¹⁸ Web Desk. (2015, October 20). Mobile services to be suspended in 68 districts on Muharram 9, 10. Retrieved March 05, 2016, from <http://nation.com.pk/national/20-Oct-2015/mobile-services-to-be-suspended-in-68-districts-on-muharram-9-10>.

¹⁹ Ali, K. (2015, November 28). Cellphone service 'suspended'. Retrieved March 05, 2016, from <http://www.dawn.com/news/1222836>.

²⁰ Rana, S. (2015, December 18). Cellular services restored after temporary suspension in parts of Islamabad. Retrieved March 06, 2016, from <http://tribune.com.pk/story/1012238/cellular-services-suspended-in-parts-of-islamabad/>.

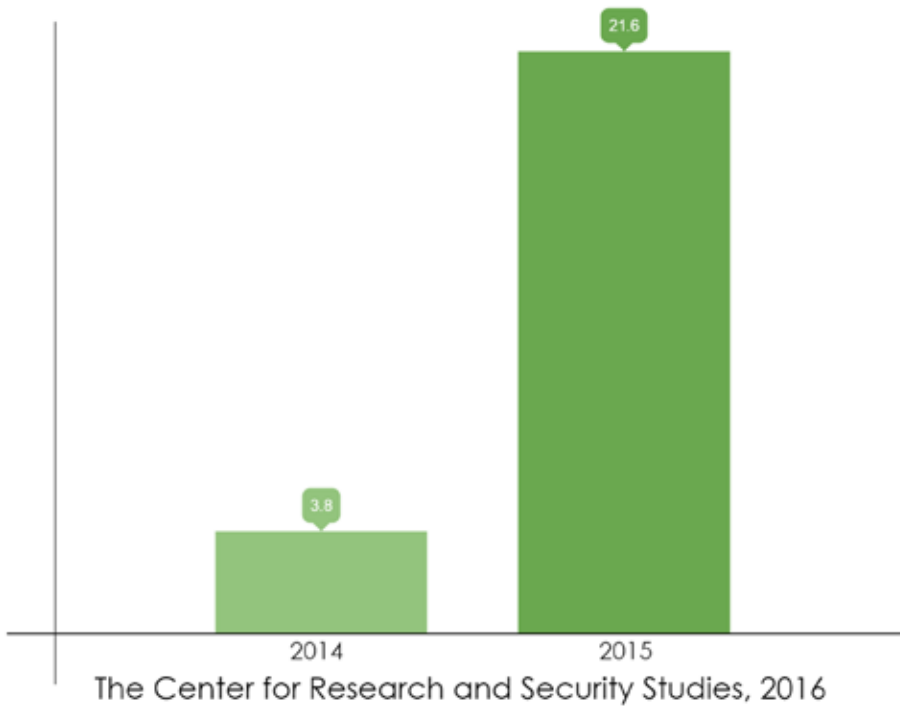
²¹ AFP. (2015, November 03). PEMRA orders blackout of proscribed groups - The Express Tribune. Retrieved March 02, 2016, from <http://tribune.com.pk/story/984060/media-coverage-pemra-orders-blackout-of-proscribed-groups/>.

²² (2015, August 20). SC enforces media code of conduct forthwith. Retrieved March 10, 2016, from <http://www.thenews.com.pk/print/14175-sc-enforces-media-code-of-conduct-forthwith>

²³ PTA. (n.d.). Pakistan Telecommunication Authority - Annual Report 2015. Retrieved March 24, 2016, from <http://www.pta.gov.pk/annual-reports/ptaannrep2014-15.pdf>.

experiencing massive growth in the telecommunications field. Naturally, this comes with its own set of challenges under the NAP.

Graph 3.4 Broadband Users in Pakistan 2014-2015 (in millions)



According to the military intelligence service, Twitter has become a weapon of choice for the terrorists. Hizbut Tahrir is the key banned outfit in Pakistan which has been advancing its extremist agenda via the internet. The terror facilitators used words from Arabic and English languages for coded messages on the blocked accounts. The use of Twitter was especially highlighted during the attack on Badaber Air Base in September, 2015, when the Inter-Services Public Relations seemed to be in a competition with the attackers for information sharing on the popular social media outlet.²⁴

It was revealed by the Interior Minister Chaudhary Nisar, during the January 15, 2016, 28th session of the National Assembly, that 933 URLs and 10 websites of proscribed organizations had been blocked by the Ministry of Information Tech-

²⁴ BBC. (2015, September 18). Gunmen attack Pakistan air force base in Peshawar - BBC News. Retrieved March 02, 2016, from <http://www.bbc.com/news/world-asia-34287385>.

nology.²⁵

Freedom House's Freedom on the Net report, conducted in 60 countries, examined the civil liberty, freedom and censorship trends in Pakistan over the past year. Scoring "Not Free" for Internet Freedom, 2015 marks the fourth consecutive year that Pakistan joins the host of nations which share the same worst score, with policies that curtail freedom and civil liberties.²⁶

Several laws to halt terrorism can also been exploited against internet users. The Protection of Pakistan Act (PoPA), supposedly is formulation of a problematic Pakistan Protection Ordinance in effect during the previous coverage period, passed in July 2014. Though it included some amendments, critics said it failed to address concerns expressed by lawyers and civil society groups, who said language criminalizing unspecified cybercrimes as acts of terror was vague and open to abuse.²⁷

The proposed Cyber Crime Bill 2015 is under strong criticism by human right activists, politicians, IT specialists and civil society experts label it a violation of Article 19 of the Constitution of Pakistan that provides freedom of speech and expression to the people of Pakistan and includes freedom of press. Member of the Cabinet Committee for IT, MNA for MQM Ali Raza Abidi and MNA for PTI Dr. Arif Alvi raised their voices on the floor of the house asking the speaker to send the bill back to committee for reviewing its flawed sections as this bill is against the basic rights of the people of Pakistan.²⁸

In the past, in order to deal with cyber-crimes, The Electronic Transaction Ordinance 2002 and the Electronic Crime Act 2004 were introduced. Prevention of Electronic Crimes Ordinance 2007 was another effort to combat cyber-crimes.²⁹

The Pakistan Electronic Crime Bill (PECB) was presented in January 2015 to contest digital vulnerabilities. The parliamentary panel accepted it without considering any objections or seeking outside review of the legislation.³⁰ This modified bill

²⁵ Questions and Oral Answers, 28th session of the National Assembly. (2016, January 15). Retrieved March 15, 2016, from http://www.na.gov.pk/uploads/documents/questions/1452850149_459.pdf.

²⁶ (2015, October 28). Freedom on the Net 2015: Pakistan, The State of Insecurity. Retrieved May 05, 2016, from <http://digitalrightsfoundation.pk/fotn2015pakistan/>.

²⁷ Freedom House. Retrieved May 05, 2016, from https://freedomhouse.org/sites/default/files/resources/FOTN%202015_Pakistan.pdf.

²⁸ Warriach, S. (2015, May 28). Cyber Crime Bill 2015: More power to Pakistan Telecommunication Authority. Retrieved May 05, 2016, from <http://www.newslens.pk/cyber-crime-bill-2015-more-power-to-pakistan-telecommunication-authority/>.

²⁹ Mohiuddin, Z. (2006, January 24). Cyber Laws in Pakistan: A Situational Analysis and the Way Forward. Retrieved March 15, 2016, from <http://www.supremecourt.gov.pk/ijc/articles/10/5.pdf>.

³⁰ Khan, A. (2015, April 16). NA committee approves controversial Cyber Crime Bill - The Express Tribune. Retrieved March 02, 2016, from <http://tribune.com.pk/story/870919/na-committee-ap->

is applicable to the entire regions of Pakistan.³¹

Please also see [Section 3.6](#) for an in-depth analysis of the PECB.

[3.3.6 Terror financing - Sources](#)

Terror financing remains a significant hurdle to overcome for Pakistan. Former NACTA Chief Hamid Khan, along with Interior Secretary Shahid Khan, while briefing a parliamentary committee in June 2015, stated that labeling an organization as proscribed alone was ineffective, as this did nothing to impede the financial supply lines of these groups.¹²

In Pakistan, Deobandi and Ahl-e-Hadith clerics annually receive 100 million in foreign funding, claimed a leaked missive in 2008, jointly released with thousands of others by WikiLeaks.³² Federal Minister for Inter-provincial Coordination (IPC) Riaz Hussain Pirzada let it slip in January 2015, that the Saudi government was destabilizing the Muslim world, including Pakistan, by extensively funding groups to propagate its religious ideology.³³ Even the Interior Minister accepted that seminaries in Pakistan, several run by these proscribed organizations, were receiving foreign funding.³⁴

Additionally, Research and Analysis Wing (RAW), the premier Indian intelligence agency, and its associates in Afghanistan are also suspected of terror financing in Pakistan. Foreign Secretary Aizaz Ahmad Chaudhry claimed in May 2015 that RAW is involved in various terror activities in Pakistan.³⁵ The BBC released a documentary in June, 2015, claiming that the clandestine Indian agency had funded hundreds of militants in Pakistan.³⁶ In October, 2015, Prime Minister Nawaz Sharif shared dossiers containing proof of Indian involvement in terror activities in Pakistan with both the United Nations Secretary General Ban Ki Moon, and United States Secretary of State John Kerry.³⁷

proves-controversial-cyber-crime-bill/.

³¹ Bolo Bhi. (2015, April). Government's Proposed And Modified Cybercrime Bill 2015. Retrieved March 02, 2016, from <http://bolobhi.org/wp-content/uploads/2015/04/PECA2015.pdf>.

³² Cable 08LAHORE302_a: Extremist Recruitment On The Rise In Southern Punjab. (n.d.). Retrieved March 02, 2016, from https://wikileaks.org/plusd/cables/08LAHORE302_a.html.

³³ Haider, M. (2015, January 20). Federal minister accuses Saudi govt of destabilising Muslim world. Retrieved March 02, 2016, from <http://www.dawn.com/news/1158244>.

³⁴ Khan, I. (2015, January 13). Only 23 seminaries receiving foreign funding: minister. Retrieved May 02, 2016, from <http://www.dawn.com/news/1160627>.

³⁵ Haider, M. (2015, May 14). RAW involved in terrorist activities across Pakistan: Foreign secretary. Retrieved March 02, 2016, from <http://www.dawn.com/news/1181908>.

³⁶ Bennett-Jones, O. (2015, June 24). Pakistan's MQM 'received Indian funding' - BBC News. Retrieved March 02, 2016, from <http://www.bbc.com/news/world-asia-33148880>.

³⁷ APP. (2015, October 22). Evidence of India's terror sponsorship shared with US - The Express Tribune. Retrieved March 02, 2016, from <http://tribune.com.pk/story/977223/three-dossiers-evi->

Some other sources of terror financing include abduction, charities, drugs and arms trafficking, smuggling, robbery, and kidnapping for payment.³⁸ Animal hides are also a source of terror financing in Punjab and Sindh and Balochistan. Billions of rupees from the hides are earned every year.³⁹

3.3.7 Terror Financing - Steps

To trace and halt terror funding in Pakistan, a subcommittee was instituted under the NAP implementation committees.

The provincial authorities have been directed to observe the undertakings of radical outfits, which are forbidden from collecting animal hides and to take legitimate action against the proscribed organizations working under new identities. At least 40 radical organizations were barred from collecting animal hides and donations on Eid-ul-Azha by the Ministry of Interior. The Ministry had enforced a national proscription on *Zakat* and *Fitrana* collection by radical groups in *Ramazan*.²⁵

In an attempt to control terror funding, the Punjab government detained various proscribed organizations' members in July 2015, for illicitly accumulating capital from the community.⁴⁰

For illicit terror financing, the following organisations have been booked by the government of Punjab, emboldened by the Anti-Money Laundering Bill (Amendment) 2014.

- Al-Rasheed Trust (Maymar Trust)
- Al-Rehmat Trust in Multan
- Ansarul Ummah,
- Sipa-i-Sahaba
- Tehreek-i-Ghulbai-i-Islam in Bahawalpur
- Jaish-e-Muhammad in Gujranwala⁴¹

The federal government also decided to adopt strict measures against the sup-

dence-of-indias-terror-sponsorship-shared-with-us/.

³⁸ Javed, A. (2013, September 27). Strict check on terror-financing key to end terrorism. Retrieved February 24, 2016, from <http://nation.com.pk/lahore/27-Sep-2013/strict-check-on-terror-financing-key-to-end-terrorism>.

³⁹ Hussain, A. (2015, September 24). MQM among 293 parties permitted to collect animal hides on Eid. Retrieved March 05, 2016, from <http://www.pakistantoday.com.pk/2015/09/24/city/karachi/mqm-among-293-parties-permitted-to-collect-animal-hides-on-eid/>.

⁴⁰ Iqbal, N. (2015, June 30). Banned outfits collecting funds booked, Punjab tells SC. Retrieved March 02, 2016, from <http://www.dawn.com/news/1197226>.

⁴¹ Iqbal, N. (2015, July 30). Banned outfits collecting funds booked, Punjab tells SC. Retrieved May 05, 2016, from <http://www.dawn.com/news/1197226>.

porters of activists of Al-Rasheed Trust and rest of the declared banned outfits.⁴²

Mr. Haroon-ur-Rasheed was declared to be the shareholder of a Khyber Pakhtunkhwa-based registered NGO named 'Baraan', which was active across Bannu, Tank and D. I. Khan. He appealed for bail in court against the allegation of fraud in business. However, to deal with the subject of activities of NGOs was the priority for the court rather than considering the bail petition at first. Interior Minister Chaudhry Nisar asserted that all NGOs in Pakistan would be functional only after the security clearance and re-registration.⁴³ Under the supervision of Justice Jawwad S. Khawaja, the three-judge bench was established. The bench has enquired the thorough details of illicit activities of the operational NGOs from the federal and provincial government and postponed the next hearing of the case until July 22. The court was informed about the proscribed outfits in Punjab i.e. Rehmat Trust, Al-Rasheed trust, Ansaria and Sipah-e-Sahaba. During the hearing, Justice Jawwad S. Khawaja underlined that, "Nothing has been done by all the institutions of the country. What has to be done, it seems as if SC has to do it now."⁴⁴

In Sindh, a member of Sipa-i-Sahaba (SSP) Zaheer Ahmed alias Piyala was arrested by Rangers.⁴⁵ Moreover, the Lahore Counter-Terrorism Department (CTD) imprisoned three SSP suspects from Punjab University.⁴⁶

Since the commencement of NAP and Zarb-e-Azb operation and NAP in Punjab, KP and Balochistan, the law enforcement agencies have been challenged by the coalescing of various banned outfits like Lashkar-e-Jhangvi (LeJ) and Jaish-e-Muhammad (JeM). The banned outfits have been found active under the cover of new names like Ahl-e-Sunnat-Waljamaat (ASWJ) which is a new form of the SSP, LeJ and Lashkar-e-Taiba (LeT).⁴⁷

Militants of JeM were implicated of Patahknkot terror attack in India. Pakistan police successfully detained 12 JeM militants and sealed its offices in Muzafargarh,

⁴² Khan, I. (2015, December 19). IS among 61 banned outfits, minister tells Senate. Retrieved May 05, 2016, from <http://www.dawn.com/news/1227402>.

⁴³ Iqbal, N. (2015, June 24). SC seeks details about NGOs' source of funding. Retrieved May 05, 2016, from <http://www.dawn.com/news/1190102>.

⁴⁴ Khan, A. (2015, July 03). NAP is a big joke, devised to deceive masses, says Justice Khawaja. Retrieved May 05, 2016, from <http://www.dawn.com/news/1192080>.

⁴⁵ South Asian Terrorism Portal. Retrieved May 05, 2016, from http://www.satp.org/satporgtp/countries/pakistan/terroristoutfits/SSP_t12015.htm.

⁴⁶ Gopal, I. (2015, December 14). Two PU faculty members, student arrested for Hizbut Tahrir links: CTD. Retrieved May 05, 2016, from <http://www.dawn.com/news/1226297>.

⁴⁷ Arain, T. (2016, January 25). Sindh province has become the haven for terror groups. Retrieved May 05, 2016, from <http://pakteahouse.net/2016/01/25/sindh-province-has-become-the-haven-for-terror-groups/>.

Multan and Bahawalpur.^{48, 49} The Counter Terrorism Department and police arrested another 14 militants of banned outfits but the identities have been kept confidential.⁵⁰

The military management asked the federal and provincial administrations to activate special courts set up under the Protection of Pakistan Act (PPA), 2014, and adopt proper measures to halt terrorists funding.⁵¹ This is yet to be implemented.

The financial crimes circle of the FIA targeted the radical groups entangled in the hundi/hawala business.⁵² It was revealed by the Interior Minister Chaudhary Nisar, during the January 15, 2016, 28th session of the National Assembly, that 214 cases have been registered, 322 arrests made and 356.56 million rupees have been recovered in the hundi/hawala investigation.²⁴ Further, it was shared 137 arrests had been made in money laundering cases, and that 67 Suspicious Transaction Reports (STR) had been received by the Financial Monitoring Unit (FMU), of which 15 had been processed and 52 remained under investigation.

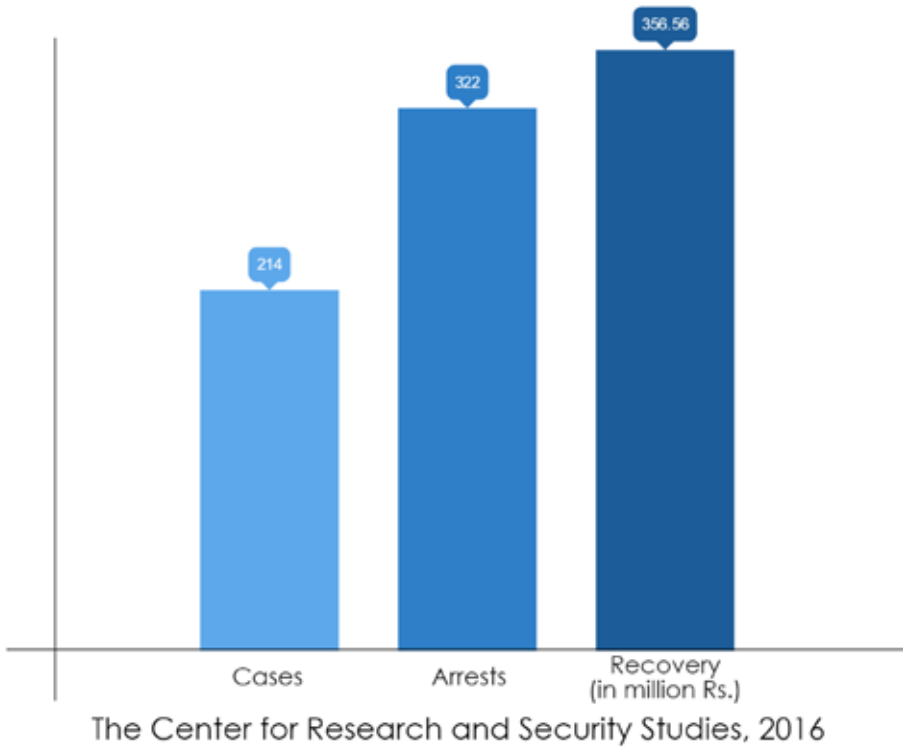
⁴⁸ (2016, January 13). Pathankot attack probe: Pakistan arrests 12 Jaish-e-Mohammed terrorists. Retrieved May 05, 2016, from <http://www.firstpost.com/india/pathankot-attack-investigation-pakistan-arrests-twelve-jaish-e-mohammed-terrorists-2582334.html>.

⁴⁹ Editorial. (2016, January 16). Crackdown on JeM. Retrieved May 05, 2016, from <http://www.dawn.com/news/1232812>.

⁵⁰ (2016, January 15). Seminary run by Jaish-e-Mohammad in Sialkot sealed. Retrieved May 05, 2016, from <http://www.dawn.com/news/1233073>.

⁵¹ Ghumman, K. (2015, September 11). Military asks govt to choke terror financing. Retrieved February/March, 2016, from <http://www.dawn.com/news/1206209>.

⁵² Hawala, also known as Hundi, is an alternative remittance channel that exists outside of traditional banking systems. One definition from Interpol is that Hawala is “money transfer without money movement.” Transactions between Hawala brokers are done without promissory notes because the system is heavily based on trust. The system is used by radical outfits and money launderers to bypass a paper trail.

Graph 3.5 Hawala/Hundi Crackdown

The State Bank of Pakistan has announced a fine of Rs1.2 billion if any bank violates the prescribed regulations in Anti-Money Laundering and Combating the Financing of Terrorism Act (AML/CFT).⁵³ In recent years, nearly a billion rupees in 126 accounts of militant outfits have been confiscated by the State Bank of Pakistan (SBP).⁵⁴ The amount of Rs3.5 million from eight different bank accounts has been seized by the Ministry of Interior under the Anti-Terrorism Act.⁵⁵ The dates of these actions, however, fall outside of the NAP implementations period.

⁵³ Imran, K. A. (2016, January 6). Banks punished for violating anti-terror financing rules. Retrieved March 02, 2016, from <http://nation.com.pk/national/2016-01-07/banks-punished-for-violating-anti-terror-financing-rules>.

⁵⁴ APP. (2016, February 01). 182 seminaries sealed under NAP. Retrieved February 01, 2016, from <http://www.dawn.com/news/1236704>.

⁵⁵ Haider, M. (2016, January 07). 121 accounts blocked to curb terror financing: SBP. Retrieved March 02, 2016, from <http://www.thenews.com.pk/print/87070-121-accounts-blocked-to-curb-terror-financing-SBP>.

3.4 OPINION: What does the term “proscribed” solve? by Zeeshan Salahuddin

The word proscribed has become a part of the national vocabulary of Pakistan. Despite its extended usage, few understand what the term actually means. Common sense dictates that certain actions should follow the proscription decision; freezing assets, monitoring communication networks, closely observing members, disallowing public gatherings or rallies, and discontinuing all operations. There exists no specific, agreed-upon mechanism after banning any organization, and actions taken are at the behest of the Interior Ministry with no sense of consistency. Former NACTA Chief Hamid Khan, along with Interior Secretary Shahid Khan, while briefing a parliamentary committee in June 2015, said that the implementation of NAP along banned outfits was not at the pace it needed to be. They also said that the act of banning a group was largely ineffective.¹²

In fact, of the 60 banned organizations, all proscribed before the APS tragedy, nearly all were operating in the country unimpeded. The assets of these proscribed organizations, some on the list for 13 years, were finally frozen in January, 2015.⁵⁶ “The assets of all the banned outfits have been frozen,” Foreign Office spokesperson Tasneem Aslam said in her weekly press briefing. Nearly a year into the implementation of NAP, in November 2015, the Pakistan Electronic Media Regulatory Authority (PEMRA) ordered a blackout of all coverage pertaining to proscribed activities, a fact that in of itself shows the impunity with which said organizations continued to operate.⁵⁷

Three additional factors, among many others, impede the necessary steps to be taken to deal with proscribed groups.

First, there is significant opposition from within the government. As an example, despite JuD being added to the watchlist, Minister for Defence Production Rana Tanveer Hussain raised objections, stating that it was a charity organization, and not engaged in any terror activities.

Second, there are massive communication gaps within the system, as exemplified by the refusal of Inspector General of Islamabad Police to disallow rallies of proscribed organizations, stating that he had not been communicated any formal list of banned organizations.

⁵⁶ Web Desk. (2015, January 22). Assets of all banned outfits, including Jamaatud Dawa, frozen: FO - The Express Tribune. Retrieved February 27, 2016, from <http://tribune.com.pk/story/825732/assets-of-all-banned-outfits-including-jamaatud-dawa-frozen-fo/>.

⁵⁷ AFP. (2015, November 03). PEMRA orders blackout of proscribed groups - The Express Tribune. Retrieved February 27, 2016, from <http://tribune.com.pk/story/984060/media-coverage-pemra-orders-blackout-of-proscribed-groups/>.

Third, several organizations, post-proscription, simply reform under a near umbrella and continue operating. In January, 2015, it was reported that up to 23 banned organizations were operating in the country under different names. The government, historically, has had some difficulty tracking reformed groups.

The government needs to seriously re-evaluate its strategy on dealing with proscribed outfits. An agreed upon set of steps need to be implemented without prejudice or bias. The sympathizers need to be brought to task, within the government and without, and political pointscoring or pressure tactics need to take a back seat to stability and security.

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3.5 **OPINION: Messages of Terror** *by Faisal Ali Raja*⁵⁸

As the argument in favour of banning glorification of terrorists in electronic and print media gains traction, terror organisations are adopting different traditional means of message circulation and propaganda dissemination.

Different banned organisations are focusing on orthodox means of message communication — pamphlet distribution, door-to-door public contact, proclamation through loudspeakers and employing students of religious seminaries for information propagation.

This clearly indicates that as the electronic mass communication space shrinks for different proscribed groups, they have resorted to traditional methods of approaching the people and contacting the masses.

Recently, Daesh or Isis or the Islamic State (IS) announced four policy objectives of its agenda in an unconventional message. First, it declared war against an atheist, un-Islamic and westernised Pakistani government. Second, it vowed to struggle against the judiciary and local administration that protect policies of such a government. Third, it declared the current educational system as immoral (whosoever gets a degree from any school or college will be considered an enemy of the Islamic State).

Lastly, Daesh rejects female education in Pakistan and denounces any effort of the present government to provide western education to Pakistani girls. Such messages were contained in pamphlets spotted in Taunsa Sharif, District Dera Ghazi Khan, containing appeals for financial contribution and support as well.

Similarly, the TTP has distributed pamphlets among local residents in districts adjoining the tri-border area to intimidate the population. Last month the TTP sent messages, through handwritten photocopied pamphlets, to the people of Wanar, in the locality of Taunsa Sharif, to socially boycott those who were facilitating government operations against the defunct organisation. It vowed to retaliate if any information regarding any Taliban operator or worker was given to the police or any other government department.

In Bahawalpur, the administration has cracked down heavily on wall chalking, SMS and pamphlet distribution. As a result, defunct organisations have resorted to paid human messengers to convey the message to the locals through different means. If the distance is short and the population is located nearby, the messen-

⁵⁸ Raja, F. A. (October 24, 2015). Messages of Terror. Retrieved March 23, 2016 from <http://www.thenews.com.pk/print/69485-messages-of-terror>. Reproduced with permission from original author, and publisher The News.

gers use bicycles or motorbikes for transportation. However, if the population is sparsely displaced and is located at far-off places then motor cars or public transport are readily employed by these messengers for information communication.

Apart from this, madressah students have also been used to send messages to the local population. These students belong to a particular sect and certain ideological leanings are being exploited for such practices. This rapid shift of changing the method of information transmission is akin to the mechanism being used by the Taliban in different districts of Afghanistan where they focus on human messengers.

All proscribed organisations, especially those who espouse the takfiri ideology, rely excessively on human-to-human contact. Many counterterrorism experts believe that a three-tier communication network exists in most transnational terror organisations. The top tier includes policymakers who communicate through electronic messaging, especially creating an email address and composing a mail without forwarding and then sending each member the password for login to read the mail.

The second tier is operational where members meet at specified places like mosques, bazaars or cafes etc. Sometime they also exchange computer gadgets like USBs at these places to see instructions and operational plans in detail. The last tier is tactical and executes policy decisions through actions like wall chalking, loudspeaker announcements, pamphlet distribution and communicating threats to the local residents.

While monitoring sectarian activities under the National Action Plan, the comparative analysis of anti-hate material campaign indicates that 44 FIRs were registered in 2014 as compared to 206 cases against hate material users and producers in the current year in different police stations of Punjab. It highlights enhanced government action in 2015 as compared to the previous year.

Similarly, a total number of 86 incidents of wall chalking by different terror organisations were reported in 2014 as compared to 165 in 2015. The total cases registered against wall chalking were 29 in 2014 as compared to 121 in the current year. This has further pushed these organisations towards more conventional sources of mass contact.

One of the reasons of the rapid changing pattern of communication dissemination pivots around public alienation during police search and sweep operations in different areas and localities of the province.

So far the Punjab Police has conducted 12,123 search operations in 13,918 localities, apprehending 66,276 persons and registering cases against 3,676 culprits.

This indicates that nearly 95 percent of the suspects are released after initial inquiry which causes resentment among a large section of the population. These people can then be employed by different terrorist organisations for contacting the public through unconventional methods of message publication.

A critical analysis of these operations reveals that the highest number of such activities is seen in the Gujranwala region (936) followed by Sargodha (406), Lahore (394), Sahiwal (307), Faisalabad (306), Multan (296), Bahawalpur (280), Sheikhupura (220), Rawalpindi (167) and DG Khan (90). The brutal tactics employed during search and sweep operations should, therefore, be curbed to reduce instances of public alienation.

In order to defeat terrorism we need to minimise access of every terror organisation to all means of communication facilities. The vacuum should be filled with counter-narratives targeting the brutal tactics used by these groups. The intelligence agencies should explore all possible human contacts in their areas of operation for intelligence-led actions.

Perhaps we need to establish small intelligence units at the street or mohallah level to obfuscate these unconventional tactics of terror organisations. Long-term success will depend on how well we police cyber space and bring the media under comprehensive restrictions regarding terror reporting.

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3.6 **OPINION: The National Action Plan and Cybercrime** *by Madiha Latif*

The National Action Plan (NAP) was introduced in January 2015 to tackle the rise of terrorism in Pakistan, as well as to address the ongoing offensive in North Western region of the country. Point 5 and 11 of the National Action Plan are targeted towards countering hate speech and extremist material, and putting a ban on terrorists' presence online. To achieve these aims, the Ministry of Information Technology (MoITT) revised an existing version of a proposed cybercrime bill, replacing it with a version purportedly aligned with NAP. The "Prevention of Electronic Crimes Bill 2015" though introduced to deal with cybercrimes and tackle terrorism online, the bill actually seeks to regulate citizens' speech, and access to content and information online, breaching basic civil liberties and rights, without any effective countermeasures to cyber terrorism.

Pakistan currently doesn't have any cybercrime law. The only law ever on the books was a 2007 Ordinance called PECO - Pakistan Electronic Crimes Ordinance, which lapsed in 2009. Sections 36 and 37 of the Electronic Transactions Ordinance have been used to charge and prosecute people. On an ad-hoc basis, the Federal Investigation Agency's (FIA) wing, National Response Centre for Cyber Crime (NR3C) deals with cybercrimes. The FIA, created in 1974, is a "counterintelligence and security agency", that deals with operations regarding terrorism, espionage, federal crimes, fascism and smuggling. Cybercrime, according to FIA's wing, NR3C, is a crime committed via a computer, digital device or network, facilitated through the Internet. According to FIA's the Cyber Crime Unit, the period between 2013 and 2014 showed an increase in cybercrimes. There are numerous cases in which individuals were charged with cyber stalking, cyber blackmail, etc, despite the lack of a cybercrime law in Pakistan. But what is important to note here is that these cases are not related to terrorism.

One could argue that cyber terrorism - as per the NAP definition - can be prosecuted and dealt with under the Anti Terrorism Act 1997 - specifically Section 8 - but section 8 too only deals with a part of cyber terrorism- the spreading of hate speech and violence against minorities. It does not cater to cyber terrorism as understood through the elements provided by the SEARCCT (mentioned below).

Globally, cyber terrorism deals with attacks on infrastructure; It is not simply the presence of terrorist organizations online, which is what the National Action Plan and the current proposed bill address.

One way of understand cyber terrorism, as suggested by the Southeast Asia Regional Centre for Counter Terrorism (SEARCCT) is to identify if the crime falls within the following elements:

1. Cyber attack is politically motivated, and leads to death or bodily injury
2. Cyber attack causes fear and/or physical harm through cyber techniques
3. Attack is against critical information infrastructures such as financial, energy, transportation and government operations.
4. It is an essential service that has been attacked and disrupted; non-essential service attacks are not considered terrorism
5. Monetary gain is not primary motive.

Cyber terrorism forms a small part of the bill. Section 10, is the only section related to cyber terrorism, and does not adequately address the issues of cyber-attacks, cyber warfare or even terrorism. It is not clearly defined, and is centered around hate speech, extremist material and terrorist presence online. Not cyber terrorism or acts and attacks that impact infrastructure or systems of national concern. PECB fails to incorporate any of the above, NAP fails to add these acts.

In order to counter cyber terrorism, it is imperative that the government understand what it means, and how it occurs. The state needs to be aware of the mechanisms, the kinds of attacks, and how to be protected from a cyberattack.

An effective measure to counter cyber terrorism is preventing attacks by putting in place a cyber security infrastructure. Countries like the United States, work in conjunction with academia, IT experts, specialists and other such stakeholders to develop better security systems and knowledge. Security infrastructure needs to be developed and implemented, which includes the use of firewalls, encryption and intrusion detection systems. Research and development needs to be encouraged, along with awareness and digital security trainings.

The National Action Plan, and the proposed bill do not incorporate any of these necessary measures. Instead, the NAP entirely focuses on countering speech and material online and that is not the global definition of cyber terrorism. Section 9 of the proposed bill falls in line with point 11 of the NAP, believing it to be an effective means of countering terrorism. This reflects the confusion regarding what cyber terrorism actually is; it also reflects the misconception that if content is removed online, it will cease to exist. This is not the case; there is no foolproof way of removing content online completely. What specifically needs to be pointed out is that regulation of content also does not prevent cyber terrorism; it does not change the mindset, nor undermines the “cause” behind the attacks. What it does, however, is possibly erases the content from easy access, and masks its existence. This is not a viable solution.

The other dimension of both attacks on critical infrastructure or the posting the spreading of content is identifying perpetrators is a long and difficult process.

There are many ways of masking one's identity online, and making services available that would alter IP addresses, making it difficult to accurately identify perpetrators. Attempts to track perpetrators also raises privacy concerns, which is a further violation of civil liberties.

NAP focuses entirely on speech, content and information on social mediums that citizens use to criticize or comment on the actions of the Government. The current definition of cyber terrorism under the NAP is inadequate, along with the measures proposed to combat it. The state seems not to understand the complexities surrounding cyber terrorism, to the extent that it is questionable whether it even understands the mere definition of it, and the distinction of cyber terrorism and cyber crimes?

This attempt to overlap cybercrime and cyber terrorism is extremely dangerous. Cyber terrorism requires one to have premeditated, political motivation to spread fear or cause severe disruption; grouping cyber terrorism with cyber crime with only allow for civilians to be charged with terrorism, and not actually cater to the issue of cyber terrorism itself. Distinction between a crime and a terrorist action is important, and needs to be dealt with separately.

It is recommended that focus be placed on cyber security policies, data protection laws, with an in depth cyber terrorism policy after consultations with experts and stakeholders in the fields. It is important, for the development of effective countermeasures, to understand the distinction between cybercrime and terrorism, and the importance of cybersecurity. Each needs to be explored, understood and dealt with separately, through in depth research and information sharing between organizations, government and academia. Procedures and guidelines needs to be put in place, with clearly defined safeguards and protections, in order to protect civil liberties and rights.

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PART 4: COUNTER-TERRORISM

4.1 Introduction

Our fourth theme comprises of several points in the NAP, specifically #4, #8, and #15. This theme deals with the issue of counterterrorism efforts in Pakistan.

There is also significant overlap with the third theme, banned outfits, and the NAP points that constitute that theme. Specifically points #3, #11, #14 and #6 all overlap. The overlapping points have been addressed in the previous chapter, and will not be reproduced for this chapter.

Counterterrorism is one of the central issues that the NAP is meant to tackle and dismantle. Several points related to counterterrorism, in its overlap with banned outfits, has been addressed by the previous chapter, specifically terror financing, cyber-crime, mobile SIMs, and print and electronic media.

The government banned display of weapons and visibility of armed militias. The Ministry of Interior and Narcotics Control presented a report in National Assembly in January, 2016. According to that report 2,159 terrorists were killed while 1,724 had been arrested.¹

COUNTERTERRORISM

NAP POINT 3: Militant outfits and armed gangs will not be allowed to operate in the country.

NAP POINT 4: NACTA, the anti-terrorism institution will be strengthened.

NAP POINT 8: Establishing and deploying a dedicated counter-terrorism force.

NAP POINT 15: No room will be left for the extremism in any part of the country.

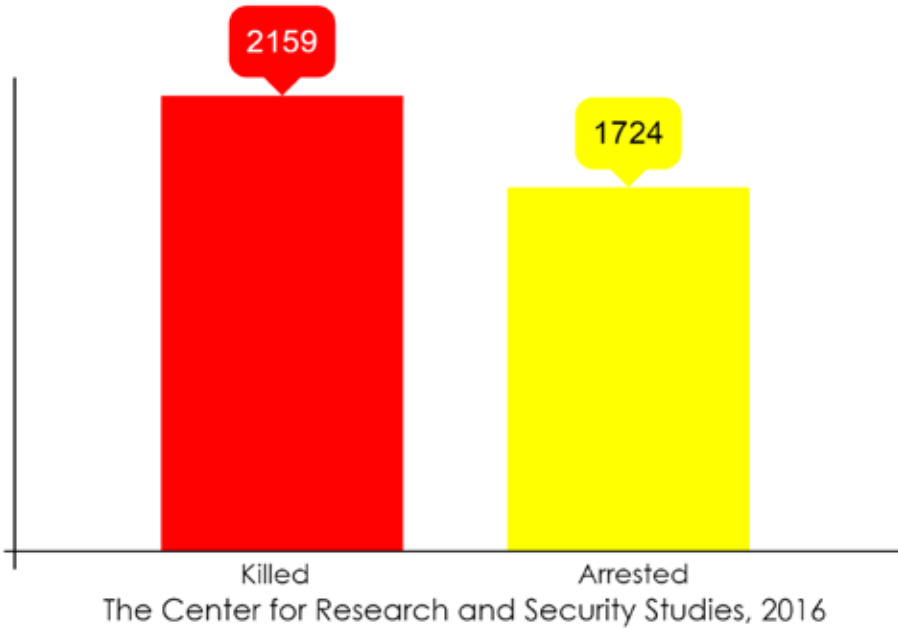
NAP POINT 11: Ban on glorification of terrorists and terrorist organisations through print and electronic media.

NAP POINT 14: Concrete measures against promotion of terrorism through internet and social media.

NAP POINT 6: All funding sources of terrorists and terrorist outfits will be frozen.

¹ Questions and Oral Answers, 28th session of the National Assembly. (2016, January 15). Retrieved March 15, 2016, from http://www.na.gov.pk/uploads/documents/questions/1452850149_459.pdf.

Graph 4.1 Terrorists Killed and Arrested since NAP Implementation

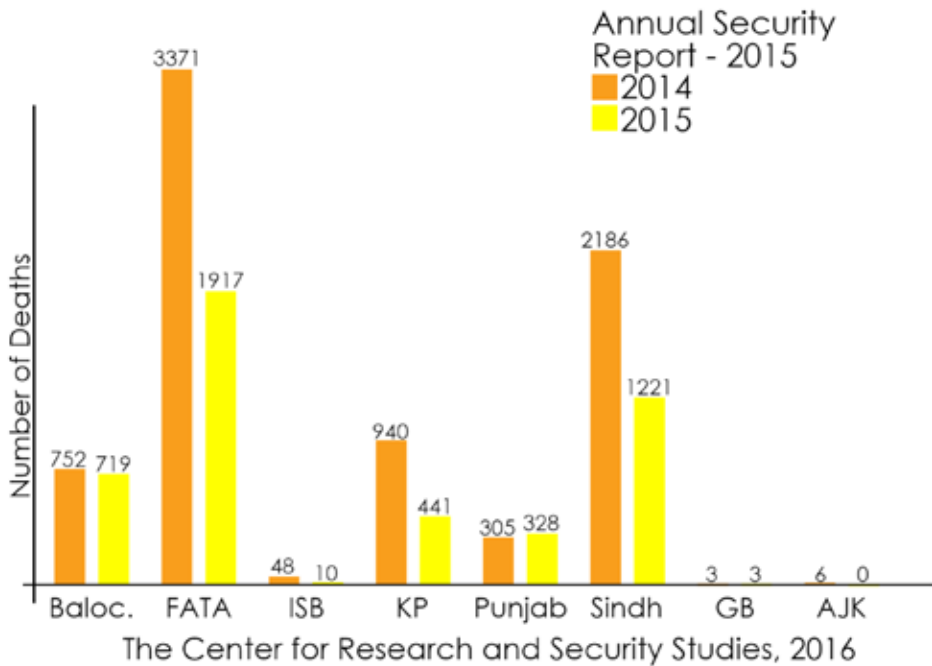


The Punjab Information of Temporary Residents Ordinance led to the arrest of 890 people in 561 separate cases. The Security of Vulnerable Establishments' Ordinance listed 58 cases and 47 people were detained under this ordinance. 500,212 weapons have been retrieved under the de-weaponization initiative.

Without a doubt, the security situation in the country has improved dramatically since the enactment of the NAP. Data collected by CRSS in its Annual Security Report 2015 reveals a marked decline in casualties from violence; from a loss of 7,611 persons in 2014, the number dropped to 4,653 persons this year, a drop of more than 40%. The Federally Administered Tribal Areas (FATA) topped the rest of the country in terms of fatalities, denoting a trend that began in June 2014 with the launch of the military operation Zarb-e-Azb in North Waziristan. The number of fatalities in the largest Punjab province, however, registered a slight increase with 328 deaths from various forms of violence.²

² Nafees, M., Gul, I., & Salahuddin, Z. (2016, February 26). CRSS Annual Security Report - 2015. Retrieved February 26, 2016, from <http://crss.pk/wp-content/uploads/2010/07/CRSS-Annual-Security-Report-2015.pdf>.

Graph 4.2 Comparative Regional Analysis of Violence-Related Deaths in Pakistan - 2014 vs. 2015



4.2 National Counter Terrorism Authority (NACTA)

4.2.1 Overview of NACTA

National Counter Terrorism Authority (NACTA) was formed in 2009, aimed to help curb terrorism in the country. It was meant to be the premier intelligence agency for deployment of special weapons law enforcement forces conducting operations that fell outside the ambit, scope or jurisdiction of conventional law enforcement. The NACTA was designed to assess difficult situations, to confront armed conflicts, to go up against militant suspects and to conduct armed counterterrorism operations. It is required to formulate a counterterrorism plan to achieve short, medium and long term objectives and formulate action plans for their execution.

It is headquartered in Islamabad. The previous Coordinator of NACTA was Hamid

Ali Khan who resigned in August 2015, and the Ministry of Interior appointed Lt. Cdr. (retd) Ihsan Ghani as the new National Coordinator NACTA.³

Initially nothing more than an idea on paper from inception, NACTA's power was greatly enhanced in March 2013, under the NACTA 2013 Act.⁴ However, the agency remains largely defunct. At the time of writing this report, the main page of the website, under the Threat Alerts section, says: "Currently no threat alerts".⁵ The remainder of the website is mostly barebones. NACTA's complete board has yet to meet once since the enactment of NAP. Most recently in January, 2016, the Senate sought Rs.2 billion to reactivate NACTA.⁶

4.2.2 Functions of NACTA

The federal organ's functions, as available on its own website, are as follows:

- a) To receive and collate data or information or intelligence, and disseminate and coordinate between all relevant stakeholders to formulate threat assessments with periodical reviews to be presented to the Federal Government for making adequate and timely efforts to counter terrorism and extremism;
- b) To coordinate and prepare comprehensive National counter terrorism and counter extremism strategies, and review them on periodical basis;
- c) To develop action plans against terrorism and extremism and report to the Federal Government about implementation of these plans on periodical basis;
- d) To carry out research on topics relevant to terrorism and extremism and to prepare and circulate documents;
- e) To carry out liaison with International entities for facilitating cooperation in areas relating to terrorism and extremism;
- f) To review relevant laws and suggest amendments to the Federal Government; and
- g) To appoint committees of experts from Government and NGOs for deliberations in areas related to the mandate and function of the Authority.

³ Ghiskori, Z. (2015, August 20). Ihsan Ghani best pick for handling affairs of NACTA - The Express Tribune. Retrieved February 05, 2016, from <http://tribune.com.pk/story/942034/improving-nap-ihsan-ghani-best-pick-for-handling-affairs-of-nacta/>.

⁴ Act No. XIX of 2013: An Act to Establish A National Counter Terrorism Authority in Pakistan. (2013, March 26). Retrieved February 15, 2016, from http://www.na.gov.pk/uploads/documents/1364795170_139.pdf.

⁵ NACTA Website - Main Page. (n.d.). Retrieved March 02, 2016, from <http://nacta.gov.pk/>.

⁶ Mukhtar, I. (2016, January 12). Senate seeks Rs2b more for Nacta reactivation. Retrieved January 13, 2016, from <http://nation.com.pk/islamabad/12-Jan-2016/senate-seeks-rs2b-more-for-nacta-reactivation>.

4.2.3 Progress on/by NACTA

Revamping of the latent NACTA was initiated by the Prime Minister on December 28, 2014. In order to achieve intended results, the PM stressed on sound coordination between the provincial and federal governments and the law enforcement agencies. However, progress on this was largely glacial and has not borne much fruit. The bulk of the direct counterterrorism operations in the country have been carried out by the military, with assorted raids by police forces in various provinces.

This angst is not without reason. Thirteen months into the implementation of NAP, the government remains largely indifferent to NACTA, and despite repeated requests to the premier, and a mandate that requires quarterly coordination meetings, not a single sit-down has occurred so far. NACTA, despite having the most powerful board of directors has not met even once since the implementation of NAP.

Even the Interior Minister's report to the National Assembly, when answering questions of progress on NACTA, stated the following: "Budget released, Joint Investigation Directorate being established, strengthening in progress, issues being looked into".¹ It is unfortunate that vague language such as "issues being looked into" and "strengthening in progress" is the best the government can come up with, nearly thirteen months into the implementation of the NAP. It illustrates the lack of seriousness involved in NACTA reactivation.

The only other references to NACTA in the report presented mention that NACTA worked with the Ittehad-e-Tanzeemat-e-Madaris Pakistan (ITMP) to create a Uniform Registration and Data Form for the registration of seminaries, and shared it with relevant stakeholders for input.¹ In a separate question, the Interior Minister continued to insist that NACTA "being the prime agency in the counterterrorism realm is coordinating and monitoring all the endeavors exercised by various concerned agencies and administrative units of the country. Through meeting of field experts, professionals and representatives, NACTA is contemplating unified policies and extending recommendations to effectively respond to the various shades of terrorism spectrum."¹ This is highly suspect, as NACTA has no budget or structure to speak of.

4.2.4 Obstacles

Insufficient financial resources and lack of government initiatives are causing delays in the activation of NACTA and execution of the NAP. Provision for NACTA was reduced to Rs. 92 million in 2014-15 budget which was Rs. 95 million in 2013-14. The Ministry of Interior was poised to receive Rs. 1 billion from the Ministry of

Finance in January 2015, but the required amount is still pending.⁷

In 2014, Islamabad High Court placed the charge of NACTA under the Prime Minister but the obscurity over the legal status has caused delay in the implementation of NAP.⁸ It yet remains under the control of the Interior Minister who is unable to provide it with the sufficient resources and skilled staff. Lack of clarity over the legal status of NACTA remained a problem until November 2015.

Ministry of Interior Secretary Shahid Khan declared in June, 2015 that progress on NAP leaves a lot to be desired. In the same meeting, National Coordinator NACTA Hamid Khan said the government had been unable to collect exact data on seminars, that more needed to be done to clamp down on terror financiers, and that refugee registration was a major task. He was also quick to aggrandize over SIM registration and the ongoing operation in Karachi.⁹

This urgency to claim victory and responsibility has also backfired and hurt NACTA in the recent past. For example, a report was sent to the government by NACTA in April 2015. It claimed that the State Bank of Pakistan (SBP) has confiscated 120 accounts of banned outfits. The aggregate of money frozen in the end was Rs10.3 billion. However, upon further scrutiny, it was revealed that this amount was seized over the course of a decade and nearly no progress had been made since the enactment of the NAP.¹⁰

4.3 CPEC Security

The China-Pakistan Economic Corridor (CPEC) project with the investment of \$46 billion is said to be a game changer that could stimulate the growth of both states and lead to the development of the entire region. However, there are many security intimidations linked to the CPEC project. Earlier, under the support of the East Turkistan Islamic Movement (ETIM), Uighur militants from the Xinjiang province in Western China have targeted inhabitants of China, whereas the Tehrik-e-Taliban Pakistan (TTP) and other militant organizations in Pakistan have been targeting its citizens.

⁷ Sher, F. (2015, January 20). Interior ministry to get Rs one billion anytime soon | Business Recorder. Retrieved March 02, 2016, from <http://www.brecorder.com/top-stories/0/1143668/>.

⁸ APP. (2014, July 09). IHC orders placement of NACTA under PM Secretariat - The Express Tribune. Retrieved February 27, 2016, from <http://tribune.com.pk/story/733175/ihc-orders-placement-of-nacta-under-pm-secretariat/>.

⁹ Khan, A. (2015, June 02). Fresh revelations: Anti-terror plan fails to achieve goals - The Express Tribune. Retrieved January 18, 2016, from <http://tribune.com.pk/story/895997/fresh-revelations-anti-terror-plan-fails-to-achieve-goals/>.

¹⁰ Husain, K. (2015, April 10). Nacta's claim fails scrutiny. Retrieved February 21, 2016, from <http://www.dawn.com/news/1174993>.

The military claims that Pakistan's security forces have dismantled the ETIM with Operation Zarb-e-Azb since June 2014. Chinese President Xi Jinping visited Pakistan in April 2015 and acknowledged this military initiative. He praised the Pakistani military's efforts and labeled it a solid step toward the peace and stability of the region. He promised to stand by Pakistan in all its activities against terrorism.

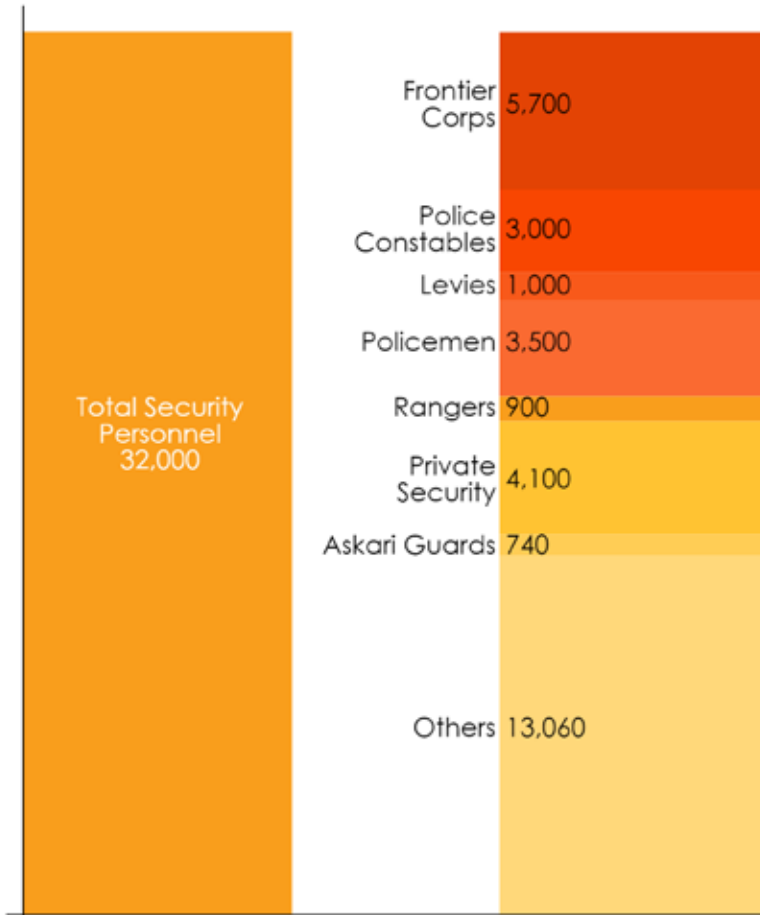
Later in November 2015, Pakistan and China agreed on a four-layer security plan meant for the over three thousand kilometer long trade route, connecting Xinjiang province to Gwadar sea port. Since the civilian government has assigned the task of protecting the Chinese to Pakistan Army and Navy, the chief of army staff (COAS) assured to protect Chinese working in Pakistan. About 32,000 security personnel will provide security to 14,321 Chinese workers who have been working in 210 different projects across the Pakistan. Over three thousand policemen, 740 Askari security guards, 4,100 private security guards, and 900 Rangers, would safeguard different projects related to the CPEC.¹¹

The CPEC is also a major source of concern for Baloch nationalists who claim that it infringes upon their identity and rights. Since the Baloch ethnics have been ignored by the government in last decade, the Baloch natives are now of the opinion that under the umbrella of the economic development and prosperity, CPEC will turn them into a minority within their own land. There is a trust deficit, insecurity and disappointment within the Baloch community. They are scared to be marginalized by certain demographic changes that CPEC project could lead. Therefore, the Baloch community declared that they are not against the execution of the CPEC project only if the government endorses some legislation in favour of protecting the rights of Baloch ethnics in the region. This sentiment is not universal, as some have taken up arms against the state instead.

The Baloch have felt suppressed and ignored by the federal government of Pakistan since 1948. To deal with their grievances, it is important for the government to specifically ensure their prosperity under the CPEC project.

¹¹ Ghiskori, Z. (2015, November 01). Economic corridor: Pakistan, China agree on four-layer security - The Express Tribune. Retrieved February 22, 2016, from <http://tribune.com.pk/story/983033/economic-corridor-pakistan-china-agree-on-four-layer-security/>.

Graph 4.3 CPEC Security Personnel Deployment Breakdown



The Center for Research and Security Studies, 2016

More than 500 Chinese security personnel were hired aimed at capacity building of the special forces and local police for safeguarding sensitive routes. Pakistan Marines and the border security forces were also tasked with securing the routes linked to CPEC projects. The CPEC Project Director Major General (ret'd) Zahir Shah asserted that the people of China are immensely satisfied with the security measures adopted by both countries. However, recent conversations with the Chinese reveal significant concerns related to matters of security. Ministry of Interior declared that Balochistan would be more secure after the establishment of new security policy as 1,000 Levies personnel and six wings of the Frontier

Corps comprising of 5,700 personnel, and 3,000 police constables would be employed for the security of sensitive routes. The military established a special security force of nine battalions with each special division to be commanded by a serving Major General.

4.4 Special Anti-Terrorism Force / Pakistan Special Services Group

In addition to the military-run Zarb-e-Azb operation, the Special Services Group (SSG) is involved in extensive counter-terrorism operations and asymmetrical warfare in Pakistan.

4.4.1 Historical Background

SSG is also known as the Black Storks, a name derived from their unique head-dress. They are specialist counterterrorism operatives, trained in non-traditional and asymmetrical warfare. The SSG was listed as the best Special Forces group in the world in May 2015, ahead of US Navy SEALs and the British Special Air Service group.¹² The authority of the article to stake this claim, however, is a matter of debate.

4.4.2 Structural Organization

Pakistani Special Forces have 7 divisions:

- 1st Commando Yaldrum Battalion
- 2nd Commando Rahbar Battalion
- 3rd Commando Powindahs Battalion
- 4th Commando Yalghar Battalion
- 5th Commando Zilzaal Battalion
- 6th Commando Al Samsaam Battalion
- 7th Commando Babrum Battalion

Divisions are controlled by Lieutenant Colonels. Each division comprises 700 men in four companies, with each company further divided into subdivisions and then into 10-man teams.

¹² Hirst, T. (2015, March 13). The 9 most elite special forces in the world. Retrieved March 19, 2016, from <http://www.businessinsider.com.au/the-most-elite-special-forces-in-the-world-2015-5#1-the-special-services-group-ssg-in-pakistan-is-better-known-in-the-country-as-the-black-storks-due-to-the-commandos-unique-headgear-training-reportedly-includes-a-36-mile-march-in-12-hours-and-a-five-mile-run-in-20-minutes-in-full-gear-13>.

It includes two autonomous commando companies:

- Musa Company - Specializes in Amphibious Operations
- Zarrar Company - Specializes in Counterterrorism

Trained by Zarrar Company, the Rangers Anti-Terrorist Company has been active since early 2004. The Paramilitary Rangers are primarily tasked with the urban pacification operation in Karachi.

In sharp contrast, NACTA has no such force at its disposal, and analysis reveals that even coordination with relevant authorities is scant at best.

4.5 Case Study: Punjab

Punjab is an interesting case study because it depicts a potential haven for miscreants and the criminal element. Since the implementation of NAP, extensive operations have been conducted in all parts of the country. In FATA and KP, Operation Zarb-e-Azb has been in effect since June, 2014.¹³ In Balochistan, insurgent mollification and reconciliation efforts are underway. In Sindh, specifically Karachi, the most violent district in Pakistan, an urban pacification operation is being conducted by the paramilitary Rangers. Punjab remains largely untouched, in part fueled by the tenuous pact between the civil and military leaderships, and in part because Punjab has reported much lower levels of violence in the last several years.²

However, this pattern cannot hold for long, as militants and extremism have spread to every corner of the country. Sooner or later, an event will precipitate the extension of counterterrorism operations in Punjab.

4.5.1 Punjab - Terrorism

One of the most significant and tragic developments in 2015 was the murder of the Punjab Home Minister Shuja Khanzada in a suicide attack in August, 2015. The law enforcement agencies and Inspector General of Punjab presented a report to the Chief Minister of Punjab, Mian Shahbaz Sharif, claiming that the attack was the reaction to the killing of the chief of Lashkar-e-Jhangvi (LeJ) Malik Ishaq, a month prior.¹⁴

¹³ Sherazi, Z. S. (2014, June 15). Zarb-e-Azb operation: 120 suspected militants killed in N Waziristan. Retrieved February 12, 2016, from <http://www.dawn.com/news/1112909/zarb-e-azb-operation-120-suspected-militants-killed-in-n-waziristan>.

¹⁴ BBC. (2015, August 16). Punjab minister Shuja Khanzada killed in Pakistan blast - BBC News. Retrieved March 23, 2016, from <http://www.bbc.com/news/world-asia-33952413>.

Punjab is the only province in the country that saw an upsurge in number of fatalities from violence during last two years. However, it accounts for a mere 4% of all violence-related national fatalities, despite accounting for nearly 2/3rd of the population. Out of 17,958 persons (including militants) that were the victims of violence in the country during last three years, 755 persons were from Punjab.

4.5.2 Punjab – Measures Against Terrorism

Of the 7,372 policemen deployed at police stations in Lahore, around 10% discharge their operational duties. The rest are called daily for special assignments, such as VIP detail, or foreign visits etc.¹⁵ The citizen to police ratio should be around 200 to 1, and it currently hovers at 2,000 to 1. An initiative was also taken by the Punjab police team in October 2015 to scrutinize fake appointments in the police department. The team has dismissed at least 136 officers who were hired on the basis of fake appointment letters. They have also been booked under the Anti-Terrorism Act.¹⁶

In order to curtail the threat of terrorism, Punjab government has introduced Punjab Arms Ordinance and Wall Chalking Ordinance 2015.¹⁷ Under the Maintenance of Public Order Ordinance, issued by the Punjab government, the declarations in favor of terrorists and criticism of the government's counter-terrorism actions would be considered crimes. The Punjab government has also propagated an ordinance, which prohibits the glorification of militants and their organizations in the media or at any other forum.

Punjab government has also issued the Arms Ordinance 2015 against illegal arms. This ordinance prohibits the open display of arms and bans the carrying of any armaments across the provincial boundaries. Some significant amendments have been made to Section 13 of the Punjab Arms Ordinance 1965 to certify safety of the citizens. Stern consequences i.e. 2-14 years imprisonment and fine have been levied upon violation of the ordinance.

The Interior Minister, in his briefing to the National Assembly in January 2016, claimed that action had been taken against 1,132 hardcore elements in Punjab, an additional 405 were booked under Schedule IV of the Anti-Terrorism Act. 78 firebrand speakers and 649 "facilitators" had been arrested for a total of 825 arrested.¹ These are vague indicators, difficult to distinguish from one another.

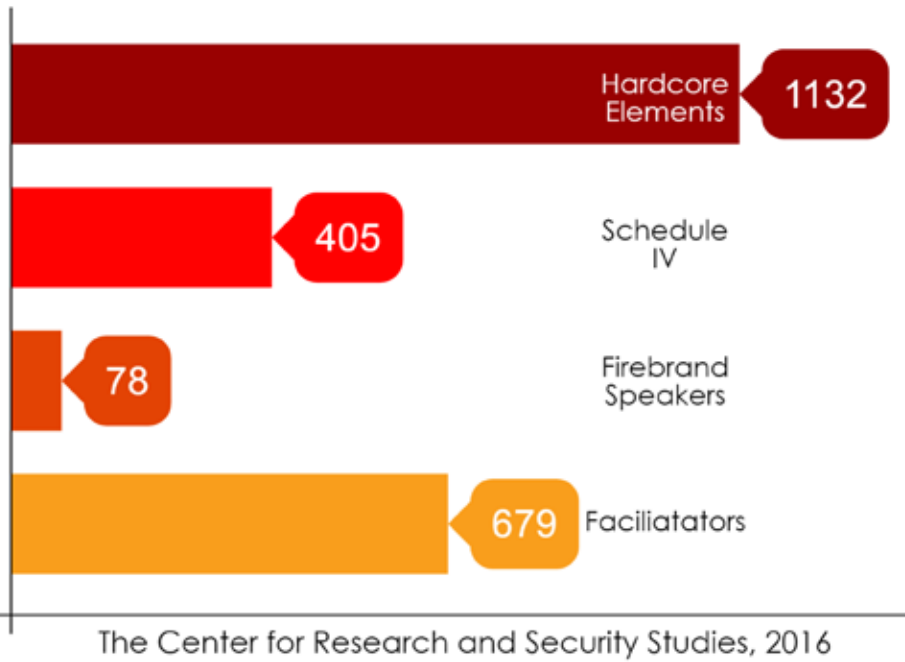
¹⁵ Chaudhary, A. (2015, November 23). 'Unofficial' VIP duties create dearth of police force for Lahore. Retrieved March 02, 2016, from <http://www.dawn.com/news/1221679>.

¹⁶ Manan, A. (2015, October 29). Punjab police looking into possible extremist infiltration - The Express Tribune. Retrieved March 12, 2016, from <http://tribune.com.pk/story/981139/emerging-scandal-punjab-police-looking-into-possible-extremist-infiltration/>.

¹⁷ Hanif, I. (2015, January 10). Punjab promulgates two more ordinances. Retrieved March 17, 2016, from <http://www.dawn.com/news/1156072>.

Punjab government also proposed a pilot project for 200 youth-soft loans. It would aim at skill development through technical trainings.

Graph 4.4 Action Taken Against Criminal Elements



4.6 OPINION: Ensuring against re-emergence of proscribed organizations

by Farhan Zahid

Agenda item number 7 of National Action Plan (NAP) aims to ensure that no proscribed organization would be allowed to operate under new names, as has been the case in the past. Perhaps the point was included keeping in view of General Pervez Musharraf's January 12, 2002 speech in which he proscribed Islamist terrorist groups allegedly involved in December 13, 2001 attack on the Indian Parliament. The groups later re-emerged with new names and identities and resumed their activities. The re-surfacing issue holds key importance as no proscribed organization should be able to resume its activities under the guise. The NAP, despite achieving success in some areas, needs to reinvigorate its overall strategy as some religio-political organizations are still freely operating in the country.

ASWJ and LeJ

Most important to mention here is the case of Ahle-e-Sunnat wal Jamaat (AWSJ) the new name of proscribed Sipah-e-Sahaba (the parent organization of violently sectarian Lashkar-e-Jhangvi (LeJ)). It is quite interesting to note that in the Punjab province, the AWSJ and its sister concerns have been taken to task by the provincial law enforcement agencies and scores of its workers are now behind the bars. However, they have been given a free hand to operate in Karachi where it was seen collecting sacrificial hides, and Zakat and Fatra on both Eids, revealing the inherent inconsistencies in NAP enforcement. LeJ's founder Malik Ishaq was killed in a police encounter in Muzaffargarh district of Punjab, clearly showcasing the Punjab government's resolve to annihilate LeJ. The provincial government suffered massively when its Law Minister Shuja Khanzada was killed in a suicide attack on August 17, 2015 at his residence in Attock district¹⁸, likely an act of retaliation for the killing of Ishaq. Another key member of LeJ, Haroon Bhatti, was killed in a police encounter on October 2015 after his arrest in Dubai and being shifted to Lahore¹⁹.

The security apparatus in Karachi, specifically the Rangers, are inundated with the militant wings of political parties such as the secular/urban Muttahida Quami Movement (MQM). Limited serious action has been reported to thwart the growth of AWSJ in the outskirts (Pashtun dominated areas) of Karachi where its presence is now felt considerably. This also reveals a dire need to reform the police and equip them with enough incentives and amended laws to be able to secure the life and property of Karachi's citizens.

¹⁸ (2015, August 17). Punjab home minister Shuja Khanzada killed in terror attack. Retrieved March 06, 2016, from <http://www.dawn.com/news/1200807> (accessed on 16/12/15).

¹⁹ Nizami, Y. (2015, December 12). National Action Plan. Retrieved March 06, 2016, from <http://www.pakistantoday.com.pk/2015/12/12/features/national-action-plan-2/> (accessed on 15/12/15).

AWSJ also participated in recent local bodies elections in Karachi as Pakistan Rah-e-Haq Party (PRHP) and managed to bag nine seats whereas 40 candidates backed by PRHP won in their respective constituencies²⁰, once again highlighting the freedom it enjoys to operate in the financial capital of Pakistan.

JeM

Many of the previously banned Islamist terrorist organizations continue operating with newly adopted names. Jaish-e-Mohammad (JeM) was proscribed on January 14, 2002 but later re-emerged as Khudam-ul-Islam (KuI). JeM's reincarnation was banned on November 15 2003²¹. Rauf Asghar the brother of JeM leader Masood Azhar took over the organization in 2007 while Azhar remained elusive and off of the radar²². He resurfaced in 2014 where he telephonically addressed a large gathering of his supporters²³.

LeT

Lashkar-e-Taiba (LeT)'s case is peculiar as it remains largely untouched. LeT currently operates under the umbrella of Jamaat ud Dawa (JuD). Falah-e-Insaniyat Foundation (FIF) the charity wing of JuD and LeT continued to operate in all major cities of Pakistan. The ambulance services of FIF are available outside all government hospitals in the country. In a reply to Senate of Pakistan the Interior Minister has refused to ban JuD as he claimed no evidence against the charity organization has been shared by the United Nations. Nonetheless the activities of the said organization is being observed under Section 11-D of the Anti-Terrorist Act and, in case of any evidence establishing a connection with LeT, the government may apply Section 11-B of the Anti-Terrorism Act (ATA) to proscribe the organization²⁴.

Presence of IS

After refusing to accept the presence of Islamic State (IS aka ISIS/ISIL aka Da'esh) the Ministry of Interior finally included it in its official list of proscribed organizations. Initially the list was removed for some months from the official website of

²⁰ (2015, December 7). ASWJ affiliate quietly swipes nine seats in Karachi. Retrieved March 06, 2016, from <http://www.thenews.com.pk/print/82811-l-am-facing-pressure-to-favour-Dr-Asim-special-prosecutor> (accessed on 14/12/15).

²¹ Ibid

²² South Asia Terrorism Portal. Jaish-e-Mohammad. Retrieved March 06, 2016, from http://www.webcitation.org/query?url=http%3A%2F%2Fwww.satp.org%2Fsatporgtp%2Fcountries%2FIndia%2Fstates%2Fjandk%2Fterrorist_outfits%2Fjaish_e_mohammad_mujahideen_e_tanzeem.htm&date=2010-12-04 (accessed on 15/12/15).

²³ Hussain, Z. (2014, February 2). The return of Masood Azhar. Retrieved March 06, 2016, from <http://www.dawn.com/news/1084328> (accessed on 14/12/15).

²⁴ (2015, July 8). JuD unlikely to be banned, Nisar tells Senate. Retrieved March 06, 2016, from <http://nation.com.pk/editors-picks/08-Jul-2015/jud-unlikely-to-be-banned-nisar-tells-senate>.

National Counter Terrorism Authority (NACTA) but finally presented before the Senate by the State Minister of Interior after enlisting Da'esh in mid-December 2015²⁵.

Proscribed organizations' list

As mentioned earlier, a controversy regarding the ban on JuD/FIF remained in international media the list of proscribed organization was removed for some period of time. The controversy was related to the status and activities of these organizations as Pakistan, under the United Nations Security Council Resolution (UNSCR) 1267, has to abide by the procedures adopted in the resolution demanding complete ban on activities and freezing of financial assets. JuD and FIF along with Taliban, Harkat-ul-Mujahideen (HuM), Umma Tameer-e-Nau, Jamaat-ud-Dawa (JuD), Al Akhtar Trust, Al Rashid Trust, Harkat-ul-Jihad Islami, Falah-i-Insaniyat Foundation (FIF), Haji Khairullah Haji Israr Money Exchange, Roshan Money Exchange and Rahat Ltd are listed in UNSCR 1267.²⁶

Red Mosque

Another thorny matter regarding the re-emergence of banned organizations is the unchecked activities of Red Mosque (Lal Masjid) chief cleric Abdul Aziz in the heart of Islamabad. Aziz has openly announced plans for restarting the campaign to enforce Sharia in Pakistan. Despite not being the state-approved prayer leader of the mosque²⁷, the firebrand cleric is hell-bent on resuming his activities. In spite of registration of cases against him, including non-bailable offenses, no serious action has been taken against the cleric and he continues to operate unhindered in the nation's capital from the relative safety of the mosque.

Red Mosque cleric's links with IS are no secret as female students of Red Mosque affiliated Jamia Hafsa seminary have pledged allegiance to IS and its self-proclaimed Caliph Abu Bakr al-Baghdadi earlier this year. The cleric is also suspected to have links with Tashfeen Malik²⁸, the female involved in the recent shootings in

²⁵ Khan, I. (2015, December 19). IS among 61 banned outfits, minister tells Senate. Retrieved March 06, 2016, from <http://www.dawn.com/news/1227402/is-among-61-banned-outfits-minister-tells-senate> (accessed on 19/12/15)

²⁶ Hussain, K. (2015, March 9). Wrangling persists in listing terror groups. Retrieved March 06, 2016, from <http://www.dawn.com/news/1168347> (accessed on 18/12/15).

²⁷ Abbasi, O. and Gishkori, Z. (2015, November 13). Security beefed up in Islamabad as Lal Masjid cleric vows to restart 'Sharia Law' campaign. Retrieved March 06, 2016, from <http://tribune.com.pk/story/990764/security-deployed-as-lal-masjid-cleric-vows-to-restart-campaign-in-islamabad/> (accessed on 19/12/15).

²⁸ Hussain, I. (2015, December 4). ISIS loyalist woman in San Bernardino massacre is linked to Pakistan's most notorious radical cleric and mosque known as center for fundamentalists. Retrieved March 06, 2016, from <http://www.dailymail.co.uk/news/article-3346618/ISIS-loyalist-woman-San-Bernardino-massacre-linked-Pakistan-s-notorious-radical-cleric-mosque-known-center-fun>

San Bernardino, California. The level of their relations with the mosque remains uncertain as Tashfeen Malik also studied at Al-Huda seminary for women, another possible source of her radicalization.

Conclusion

The NAP appears to have yielded mixed results. It seems that select jihadi organizations have been targeted whereas some others have either resurfaced under new names or continue to operate freely in the country. The NAP agenda item number 7 has been ostensibly implemented in Punjab as far as some organizations are concerned. In Sindh, especially in Karachi, limited serious action has been reported against the same organizations. It is pertinent that provincial units go after all terror groups and organizations. The implementation of NAP must be uniform and consistent and non-selective.

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PART 5: SECTARIANISM

5.1 Introduction

Our fifth theme studies sectarianism and the state's attempts to curb it. It is an amalgamation of several points in the NAP, specifically [#5](#), [#8](#) and [#18](#), and also covers minorities rights.

There is some overlap with Part 3: Proscribed Organizations, and Part 4: Counterterrorism. Minority rights and government action is also covered in this section.

The Ministry of Interior and Narcotics Control presented a report in the National Assembly in January, 2016. According to that report cases have been registered regarding hate speech and the misuse of the loudspeaker, and thousands have been arrested. While positive, these actions continue to target the symptoms of religious hatred and sectarianism, and do little to target the ideology that fuels such a mindset.¹

5.2 Minorities in Pakistan

During 2012-2015 Christians faced a range of atrocities, including sexual assaults, harassment and forced conversions in some parts of the country, and 14 Christians were charged under the blasphemy laws. In 40 attacks on the Christian community, seven churches were targeted. Ahmedis constantly face humiliation, threats to life and property. Constitutionalized anti-Ahmadi laws especially facilitate this, and at least six Ahmadi places of worship have come under attack during the same period.

Hindus remain a target of abduction, forced marriages, rape of girls and kidnappings. Curriculum taught in schools paints them as the enemy, tying them closely with the state's antagonistic narrative on India. The minority that faces the worst

SECTARIANISM

NAP POINT 5: Strict action against the literature, newspapers and magazines promoting hatred, decapitation, extremism, sectarianism and intolerance.

NAP POINT 9: End to religious extremism and protection of minorities will be ensured.

NAP POINT 18: Action against elements spreading sectarianism.

¹ Questions and Oral Answers, 28th session of the National Assembly. (2016, January 15). Retrieved March 15, 2016, from http://www.na.gov.pk/uploads/documents/questions/1452850149_459.pdf.

of attacks is the Shia community. In the last three years, even though minority casualties have reduced by more than half, violence against Shias has risen. The Ismailis, a Shia sub-sect, were also targeted in the Safoora Goth attack in Karachi, leaving 46 dead.²

5.2.1 Population of Different Sects of Islam in Pakistan

Sunni and Shia are the major sects in Islam. Ismalis are a sub-category of Shia Islam and Brelvi, Deobandi and Ahle-Hadith are sub categories of Sunni Islam.³

Sect	Population
Brelvi	50%
Deobandi	20%
Shia	18%
Ahle Hadith	4%
Ismaili	2%
Others	2%

5.2.2 Laws pertaining to minorities

These are some of the laws pertaining to minorities in Pakistan:

- Christian Marriage Act 1832
- Hindu Widows Re-Marriage Act 1856
- Sindh Hindu Heirs Relief Act 1866
- Christian Marriage Act 1872
- Hindu Disposition of Property Act 1916
- Hindu Inheritance (Removal of Disabilities) Act 1928
- Hindu Law of Inheritance (Amendment) Act 1929
- Hindu Gains of Learning Act 1930
- Paris Marriage and Divorce Act 1936⁴
- Hindu Women's Rights to Property Act 1937
- Hindu Marriage Disabilities Removal Act 1946
- Hindu Married Women's Right to Separate Residence and Maintenance Act 1946

² Mehmood, R., & Akbar, S. H. (2016). State of Religious Freedom in Pakistan. Retrieved March 25, 2015, from <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>.

³ Oxford Islamic Studies.(n.d.). Pakistan, Islam in. Retrieved March 24, 2016, from http://www.oxfordislamicstudies.com/article/opr/t125/e1809?_hi=1.

⁴ Please see Annex VI: Laws pertaining to minorities

- Protection of Communal Properties of minorities Ordinance 2001
- Protection of Communal Properties of Minorities Communities Rules 2003

5.2.3 Violence against Minorities

Religious minorities in Pakistan have faced the brunt of violence in the country, and the state response has been traditionally weak. Data collected by the Center for Research and Security Studies shows that sectarian violence claimed about 1,340 lives (and left some 1,940 injured) during the last three years. The province of Sindh had the highest number of sectarian fatalities (569), followed by Baluchistan (359), KP (215), FATA (109), and Punjab (79). The capital of the country, Islamabad, also suffered nine fatalities. Baluchistan faced the highest number of injured people in sectarian violence (608).⁵

Non-Muslims constitute about three percent of Pakistan's estimated population of 200 million. Some 20 percent of the rest are Shia Muslims. Prominent among the non-Muslim minority groups are Christians (2.5 million), Hindus (1 million), and Ahmadis (3 million), thus accounting for about 3.7% of Pakistan's population.⁶

A downward trend, as observed in all other forms of violence, is evident in sectarian violence as well. More than a 50% drop in fatalities in sectarian violence is visible in 2015 when compared with those in 2013.

Major causes include incitement by religious leaders, particularly through misuse of the loudspeakers during sermons, institutionalized and constitutionalized hatred and discrimination, biased curriculum, and abuse of controversial laws.

The blasphemy laws in particular can be systematically abused to target minorities and incite religious hatred. Some progress to revisit these laws was made in 2015. First, the death sentence for Mumtaz Qadri, the man who killed Punjab's sitting Governor Salman Taseer on what he viewed as blasphemous conduct, was upheld by a court.⁷ In May, 2015, a piece of legislation was introduced calling for severe penalties for misuse of the blasphemy laws.⁸ In a statement by the Supreme Court in October, 2015, Justice Asif Saeed Khosa remarked that criticism of

⁵ Nafees, M., Gul, I., & Salahuddin, Z. (2016, February 26). CRSS Annual Security Report - 2015. Retrieved February 26, 2016, from <http://crss.pk/wp-content/uploads/2010/07/CRSS-Annual-Security-Report-2015.pdf>.

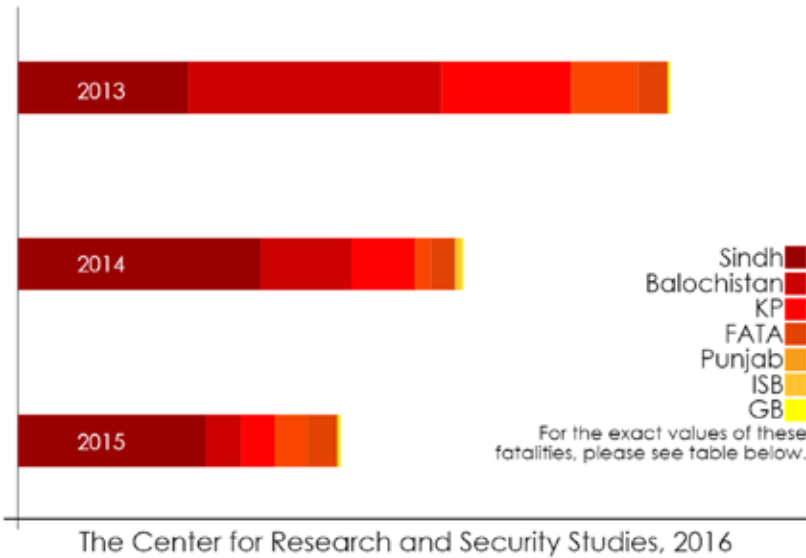
⁶ Europe External Policy Advisors.(n.d.). Status of Religious Minorities In Pakistan. Retrieved February 17, 2016, from http://www.eepa.be/wcm/dmdocuments/EP_Hearing_Pakistan/Fact_Sheet_Minorities_in_Pakistan.pdf.

⁷ Malik, M. Z. (2015, March 09). Death sentence upheld for killer of Pakistani governor over blasphemy law. Retrieved March 16, 2016, from <http://www.reuters.com/article/us-pakistan-blasphemy-idUSKBNOM50LT20150309>.

⁸ Lodge, C. (2015, June 01). World. Retrieved February 24, 2016, from <http://www.christiantoday.com/article/pakistan.new.legislation.could.stop.misuse.of.blasphemy.laws/55131.htm>.

blasphemy laws was not blasphemy in of itself, thus opening the doors for a public debate on the issue.⁹ At the end of the 13-month audit period, a boy in Khanqah cut off his own hand after he was marked a blasphemer by the local cleric. The cleric has since been arrested and charges have been filed against him.¹⁰

Graph 5.1 Violence against Minorities – 2013-2015



Sectarian Violence Fatalities - 2013 - 2015						
Region	2013		2014		2015	
	Dead	Injured	Dead	Injured	Dead	Injured
Sindh	161	129	230	67	178	131
Balochistan	240	424	86	153	33	31
KP	123	195	60	104	32	63
FATA	63	200	15	31	31	76
Punjab	28	113	23	24	28	99
ISB	1	0	6	98	2	1

⁹ Haider, I. (2015, October 05). Criticising blasphemy law does not amount to blasphemy: Justice Khosa. Retrieved March 26, 2016, from <http://www.dawn.com/news/1211047>.

¹⁰ Gillani, W., & Nordland, R. (2016, January 18). Boy’s Response to Blasphemy Charge Unnerves Many in Pakistan. Retrieved January 19, 2016, from <http://www.nytimes.com/2016/01/19/world/asia/boys-response-to-blasphemy-charge-unneres-many-in-pakistan.html>.

GB	0	0	0	1	0	0
Total	616	1061	420	478	304	401

5.2.4 Supreme Court Judgment

In June 2014, the Supreme Court of Pakistan highlighted the state's failure to protect religious minorities and their place of worships. The court found a "lack of awareness about minority rights" among law-enforcement agencies and had observed that assaults against religious minorities could be credited to the failure by the state to take satisfactory preventive measures.¹¹

These preventative measures include designing school curriculums to promote religious tolerance and cohesion, constituting a national council for the protection of minorities to frame policy recommendations for safeguarding and protecting rights of religious minorities, constituting a special police force to protect places of worship of religious minorities, and ensuring that action, including registration of criminal cases, is promptly taken to bring to justice to perpetrators who abuse the rights of religious minorities.¹²

5.3 Government Progress against Spreading Hatred/Sectarianism

As stated above, the Ministry of Interior and Narcotics Control presented a the National Assembly in January, 2016. According to that report 2,337 cases have been registered on hate speech, coupled with the arrests of some 2,195 individuals. 73 shops have also been sealed. Regarding misuse of loudspeakers to spread hatred and sectarianism, 9,164 cases have been registered implicating 9,340 individuals and 2,542 pieces of equipment have been confiscated as well.¹³

Pakistani Prime Minister Nawaz Sharif in his address to the Hindu community at a Diwali event in Karachi said, "I am the Prime Minister of all Pakistanis, whether they are Hindu, Muslim, Sikh, Christian, Parsi, or any other religion. I will stand by victims of violence and ensure perpetrators are brought to justice, even where

¹¹ Omer, R. (2015, November 24). Minority matters. Retrieved May 06, 2016, from <http://www.dawn.com/news/1221823>.

¹² US State Department. (2014, July 28). 2013 Report on International Religious Freedom - Bureau of Democracy, Human Rights, And Labor. Retrieved March 27, 2016, from <http://www.state.gov/j/drl/rls/irf/2013/sca/222339.htm>.

¹³ Questions and Oral Answers, 28th session of the National Assembly. (2016, January 15). Retrieved March 15, 2016, from http://www.na.gov.pk/uploads/documents/questions/1452850149_459.pdf.

the perpetrators are Muslim.”¹⁴

Mr. Lal Chand, Member, National Assembly, proposed and moved the National Commission for Minority Rights Act, 2015.¹⁵ The proposed act lists the functions and powers of the Commission as follows:

- (1) The Commission shall perform all or any of the following functions, namely;
 - (a) Evaluate the progress and development of Minorities;
 - (b) Monitor the working of the safeguards provided in the Constitution of Pakistan and in laws enacted by Parliament;
 - (c) Make recommendations to effective implementation of safeguards of the protection of the interests of Minorities
 - (d) Inquire and investigate into specific complaints regarding deprivation of rights and safeguards of the Minorities and take up such matters with the appropriate authorities
 - (e) Cause studies to be undertaken into problems arising out of any discrimination against Minorities and recommend measures for their removal;
 - (f) Conduct studies, research and analysis on the issues relating to socioeconomic and educational development of Minorities;
 - (g) Suggest appropriate measures with respect to any Minority to be undertaken by the Government;
 - (h) Make periodical or special reports to the Government on any matter pertaining to Minorities and in particular the difficulties confronted by them,
 - (i) Any other matter which may be referred to it by the Government, and
 - (j) Review the existing laws or that may be enacted in future in the best interest of religious minorities and send its recommendations to Parliament.

(2) The Government shall cause the recommendations referred to in clause (c) of sub-section (1) to be laid before Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for the non-acceptance, if any, of such recommendations.

(3) The Commission shall, while performing any of the functions mentioned in sub-clauses (a), (b) and (d) of sub-section (1), have all the powers of a civil court

¹⁴ Omer, R. (2015, November 24). Minority matters. Retrieved May 11, 2016, from http://epaper.dawn.com/DetailImage.php?StoryImage=24_11_2015_008_003.

¹⁵ Section of the National Assembly. Retrieved May 06, 2016, from http://www.na.gov.pk/uploads/documents/1450170084_274.pdf.

trying a suit and, in particular, in respect of the following matters, namely.

- (a) Summoning and enforcing the attendance of any person from any part of Islamic Republic of Pakistan and examining him on oath;
- (b) Requiring the discovery and production of any document;
- (c) Receiving evidence of affidavits;
- (d) Requisitioning any public record or copy thereof from any court of office;
- (e) Issuing commissions for the examination of witness and documents; and any other matter which may be prescribed.

The Sindh government announced on January 19, 2016, that it is planning to legislate a bill after which government will issue uniform Friday sermons to mosques to curb extremism and promote sectarian harmony in the province.

Abdul Qayyum Soomro, the adviser to the Sindh chief minister on religious affairs said that “One of our key objectives is to promote sectarian harmony”.^{16, 17, 18}

5.4 The Council of Islamic Ideology (CII)

The CII is mentioned here because it is in a unique position to alter the framework that drives radical ideology in Pakistan, and work with the state to introduce/amend laws that can help create sustainable stability, and protect minority rights.

5.4.1 CII: A Brief History

The CII is a constitutional advisory body on Islamic injunctions. It was inaugurated as the Advisory Council of Islamic Ideology on August 1, 1962 under General Ayub Khan to serve as an advisory body. It has gone through some minor changes over the year, but its primary function stays the same. The CII also enjoys immense legislative and policy power, despite being comprised of no lawmakers.

The 1973 Constitution under Articles 228-31 gave the CII the task of identifying laws contrary to Islam and recommending amendments to bring those more in

¹⁶ Rehman, K. (2016, January 19). Sindh mosques to have uniform Friday sermon. Retrieved March 09, 2016, from <http://www.thenews.com.pk/print/92045-Sindh-mosques-to-have-uniform-Friday-sermon>.

¹⁷ Staff Reporter. (2016, May 19). Sindh plans to regulate Friday sermon. Retrieved March 09, 2016, from <http://www.dawn.com/news/1233902/sindh-plans-to-regulate-friday-sermon>.

¹⁸ Khan, N. (2016, January 23). Sindh secures support of another group for sermons. Retrieved March 09, 2016, from <http://www.thefrontierpost.com/article/370714/sindh-secures-support-of-another-group-for-sermons/>.

line with Islamic principles. The CII was also used by General Zia-ul-Haq to legitimize and pass controversial legislation like the Hudood Ordinance.

5.4.2 CII: Role and Functions

Aside from the above, the council's current functions include recommending laws to the parliament and provincial assemblies that conform to the Quran and Sunnah, making recommendations to convey current laws to fit in with Islamic injunctions and advising the parliament, provincial assemblies, or other government functionaries on proposed laws and whether they are in accordance with Islamic injunctions or not.

5.4.3 Controversies

The CII is a controversial body by the very nature of its functions. Under the leadership of Dr. Khalid Masood (Chairman CII 2004 – 2010), the CII supported some progressive reforms, including women's rights. However, since then, the CII has been at the center of questionable recommendations and ideology.

Most recently, it termed a piece of legislation banning child marriages as un-Islamic¹⁹, resulting in country-wide protests asking for the abolishment of the CII.²⁰

¹⁹ Tharoor, I. (2016, January 15). Bill banning child marriage fails in Pakistan after it's deemed 'un-Islamic'. Retrieved January 18, 2016, from <https://www.washingtonpost.com/news/world-views/wp/2016/01/15/bill-banning-child-marriage-fails-in-pakistan-after-its-deemed-un-islamic/>.

²⁰ Correspondent. (2016, January 20). One for the women: Civil society demands Centre to abolish CII - The Express Tribune. Retrieved March 25, 2016, from <http://tribune.com.pk/story/1030606/one-for-the-women-civil-society-demands-centre-to-abolish-cii/>.

5.5 How NAP Changed Pakistan in a Year by Dr. Ehsan Sadiq

For decades Pakistan's response to terrorism and sectarianism was limited to introducing more stringent laws and raising small anti-terrorism unit within police. The first major attempt to tackle the whole spectrum of terrorism was by Musharaf government. In 2002 under growing international obligations and pressure. Following deadliest wave of terrorism in Pakistan's history, NACTA was established in 2009 to shape and spearhead counter terrorism response-albeit it remained a nonstarter. Much trumpeted National Internal Security Policy, announced in 2014, was yet another attempt to holistically deal with the whole gambit of terrorism. However, the tragedy of killing of 122 children of Army Public School by terrorist on 16 December 2014, which prompted a national consensus, in shape of a National Action Plan, on what was required to be done to counter the menace of terrorism, now devouring nation's children. National Action Plan (NAP) consisting of 20 agreed measures aimed to address all forms, sources and manifestations of terrorism in Pakistan. In view of the chequered history of counterterrorism it was but natural for many to feel skeptical on the prospects of success of the NAP. However, miraculously as it may seem, NAP has succeeded in turning a page for better in history of Pakistan. This write up summarizes some achievements under NAP and lists the reasons for successful impact of NAP. The observations made out here generally in context of Punjab's Bahawalpur region, the biggest administrative division of the province and home to many sectarian outfits and known terrorists.

NAP revived the confidence in the political executives as well as civilian law enforcement agencies in their capacity to take on the militants and terrorists on their own. One could see civilian ownership and footprints in many counter terrorism operations carried out in Punjab including the elimination of top LeJ leadership. In particular, reinforced CTD in Punjab (Sindh and KPK too) is now a much more effective and specialized unit. With induction of specially trained 500 corporals, establishment of purpose built and specifically mandated police stations at regional Hqs and taking up investigation of all real terrorism cases; CTD Punjab is playing a lead role in counter terrorism efforts.

Moreover with political ownership there and intelligence support forthcoming, the police, which once looked evasive and subdued to face the sectarian militants, is more confidently conducting local operations. Police capacity has been further strengthened by induction of army trained Quick Response Force (QRF) in their ranks. In Bahawalpur region alone, around 300 police officers were trained by army authorities in a month long crisp and condensed training course. The training, which focused on weapon handling, close combat and search and raid operations-traditionally weak areas of police, had a transformational effect on the

outlook, self-confidence and motivation of trained officials. The QRF units have played an effective role in police combing and search operations as well as close combat and protection functions.

A year back it was hard for police officers to imagine that they can so effectively take action against, an otherwise innocuous (notwithstanding their nuisance and provocative nature), violations of laws regulating loudspeakers, or wall chalking. However, the strengthening of legal framework with its widened scope, enhanced penalties for violators and provision for summary trial procedures, made a real difference. Particularly, the promulgation of Punjab Sound System (Regulation) Ordinance, the Punjab Prohibition of Expressing Material on Walls, Information on Temporary Residences Ordinance, Security of Vulnerable Establishments, and amendments in Arms Ordinance empowered the police to take prompt and meaningful action against the violators and restore a sense of order in the society. The police in Bahawalpur Region registered 1917 cases for Arms Ordinance violations, 419 cases against misuse of sound system, 128 cases for failing to inform about temporary residences by strangers, 101 cases against hate material and 54 cases against wall chalking. Although the judiciary more proactively tried these cases with better conviction ratio but the number of under trial cases, registered under these laws, is still significantly high.

Greater level of coordination and collaboration among police, district administration and intelligence agencies on one hand and police, prosecution and courts on the other hand is ensured better results under NAP. In particular, the forum of Apex Committees at national, provincial and regional level-which brought together the political, military, intelligence and police leadership - facilitated continuous monitoring, effective coordination and two way communication between political decision makers and operational command. Similarly, regular monthly meetings at Lahore High Court between the ATA judges and senior police officers helped clear years long backlog in ATA courts. Lesser known fact is that the ATA courts also decided 57 cases of real terrorism.

Creation of certain institutional mechanisms at local level, such as District Intelligence Committees and District Security Committees helped creating greater ownership of the actions taken by the police. This ensured sustainability, transparency and fairness of police actions against sectarian/militant elements. This also deflected various extraneous pressures on police to soft paddle or overlook activities of these elements. Everyone knew that neither the police did it alone nor can it undo on its own.

A very useful mechanism was provided, under Anti Terrorism Act 1997, to tag and monitor all those elements who could, in any way, be associated with terrorism. An elaborate procedure, for bringing such elements on the so called Fourth

Schedulers List, was laid under Section 11 EE of the Act. The persons born on this list were bound to report all their movements out of their area of residence to the local police. However, over time the intent of geographically and socially isolating these elements was lost sight of and for most them it was a business as usual. Many continued with running Madaris, holding rallies and even contesting elections, while some others were even opted as members of District Peace Committees-meant to maintain sectarian harmony and peace- by the district administration. The stigmatic effect that the law intended to create,through inclusion of a person in the list (of Fourth Schedulers), was, therefore, not there. Under NAP strong action against 208 existing Fourth Schedulers was taken in the region; including unseating them from membership of Peace committees/management of Madaris, restricting their social activities and detaining them under relevant provisions of ATA(i.e. 11 EE (4) and 11EEE) as well as Maintenance of Public Order (MPO) Ordinance. Moreover 81 new individuals who had shown any kind of sympathy, support or association with any banned organization, terrorist group, cause or activity and thereby could fall in the ambit of provisions Section 11 EE of ATA were added to Fourth Schedulers List. This served as a strong disincentive and de-motivating factor for other such individuals.

Apart from action against individuals, NAP also enabled police to carry out a thorough mapping of all the 1876 Madaris, collect detailed information on each aspect of their working and geo tag them to a centralized database. CTD has complete data on teachers, students, curriculum and funding. Such ingress to all categories of Madaris is unprecedented and rare. At least 10 Madaris were subjected to complete search operation. The myth of Madaris as untouchable entities and no go areas was, thus, broken.

Implementation of National Action Plan also helped the police leadership to articulate and communicate political, social and organizational constraints faced by the police to deliver. It also helped in highlighting the bottlenecks in criminal justice process as a whole. The real value of implementing NAP, that it once again underlined the need for strengthening the police's enforcement capacity, incentivizing transformation from within, and most of all, redefining police role in improving the quality of overall governance.

NAP success should be defined beyond its original scope as small enforcement measures such as strict ban on unauthorized use of sound system and wall chalking had a ripple effect on overall environment which is resistant to any kind of regulation. For instance the district administration felt much more confident in taking action against road encroachments, spurious drug sellers and adulterated food. The police and courts were able to more firmly deal with hitherto defiant and unruly lawyers. Measures against hate speech, wall chalking, sound system and fourth schedulers also contributed in relatively more peaceful conduct of Mo-

haram and local bodies elections.

Media Role has been largely positive. It desisted from past practice of glorifying terrorists, spreading insecurity and being unnecessarily critical of the law enforcement agencies. It showed great sense of responsibility, when a suicide bomber exploded himself during a tour of Zimbabwean cricket team this year.

Most importantly NAP has made people feel the state establishing its writ-after decades of anarchic chaos. It vividly shows that if there is a clarity of purpose, political will and ownership, intelligence support, enabling legal and institutional framework, and operational autonomy; the police can optimally perform even against heavy odds and formidable challenges. Police can act alone but should not be seen acting alone-the state should be at its back. It is therefore only logical to suggest that it is high time to start working on the last point of NAP i.e. reforming the criminal justice system.

Dr. Ehsan Sadiq is a Deputy Inspector General of Police/Regional Police Officer Bahawalpur Region, and a police and security analyst.

PART 6: LOCAL CONFLICTS

6.1 Introduction

The NAP also attempts to address local conflicts in the Federally Administered Tribal Areas (FATA) (#12), Karachi (#16), and Balochistan (#17). The FATA conflict is being addressed partly by driving out the militants under Operation Zarb-e-Azb, and partly through much-needed potential reforms in the region.

The Ministry of Interior and Narcotics Control presented a report in the National Assembly in January, 2016. According to this report, a committee on FATA reforms has been constituted, surrender of and reconciliation with Baloch insurgents is under way, an urban pacification operation in Karachi has created a significant decline in murder and violence (particularly target killings), and thousands of terrorists have been arrested or killed.¹

6.2 FATA Reforms

6.2.1 Historical Background of FATA

FATA is geographically located along the Durand line, with KP on its eastern border. The semi-autonomous region is comprised of seven agencies — Bajaur, Mohmand, Khyber, Orakzai, Kurram, North Waziristan and South Waziristan.

The Frontier Crimes Regulations (FCR), an archaic, draconian piece of legislation, serves as the manifestation of government writ in the Federally Administered Tribal Areas (FATA) of Pakistan, dating back to the British colonial period in pre-partition India. The “excluded areas” as they were called by section 91 of the colonial constitutional law of Government of India Act are still the excluded areas from the realm of development, investment, and modern civilization. FATA has no

LOCAL CONFLICTS

NAP POINT 12: Administrative and development reforms in FATA with immediate focus on repatriation of IDPs.

NAP POINT 16: Ongoing operation in Karachi will be taken to its logical end.

NAP POINT 17: Balochistan government to be fully empowered for political reconciliation with complete ownership by all stakeholders.

¹ Questions and Oral Answers, 28th session of the National Assembly. (2016, January 15). Retrieved March 15, 2016, from http://www.na.gov.pk/uploads/documents/questions/1452850149_459.pdf.

network of the state institutions in the modern sense. Almost seven decades after independence, tribal Pashtuns remain subject to the application of this ludicrous, inhumane set of regulations.

Article 247 of the constitution states: “Subject to the Constitution, the executive authority of the Federation shall extend to the Federally Administered Tribal Areas and province shall extend to the Provincially Administered Tribal Areas”. NWFP’s provincial governor exercises executive authority in FATA as the president’s representative. The overall administrative and political control of FATA falls under the Federal Ministry of States and Frontier Regions (SAFRON).

6.2.2 FCR versus 1973 Constitution

Pakistan’s constitution affords fundamental human rights, including equal citizenry, to all Pakistanis under articles 8-28. However, under article 247 these provisions are null and void for FATA. No act of the parliament extends to these areas unless the president directs so. In fact, even lawmakers elected from the region can legislate for any part of the country, except for FATA. The FCR discriminates both in civil and criminal matters, classifies citizens, does not require proof for conviction or a civil decree, and gives no right of defense by a counselor, or a right of appeal. In short, the Constitution of the Islamic Republic of Pakistan as a whole, for all practical purposes, is a redundant and tautological document as far as its application in FATA is concerned. Consequently, the people of FATA have neither any ‘human rights’ nor can they claim any other status, privilege, position conferred upon other citizens of Pakistan by the constitution.

Please see Section 6.6 for a detailed argument on FATA reforms.

6.2.3 Current Status: FATA Reforms

FATA Reforms Committee, the latest in a line of many, was formed in May 2014, prior to the enactment of NAP, to frame strategic objectives for the volatile tribal areas. This committee released its report after thorough deliberation.² But unfortunately the report didn’t come up with any suggestions on FATA reforms.

Another committee was formed by the Prime Minister, almost a year after the APS attack, in November, 2015.³ The move was seen by many as a means to appease

² Ali, Z. (2014, March 20). Another commission formed on Fata reforms. Retrieved March 04, 2016, from <http://www.dawn.com/news/1107498>.

³ Manan, A. (2015, November 09). Govt forms high-powered panel on FATA reforms - The Express Tribune. Retrieved March 04, 2016, from <http://tribune.com.pk/story/987775/notification-is->

FATA lawmakers for withdrawal of their candidate against Sardar Ayaz Sadiq, a mere five days before the election of the National Assembly speaker. The report presented to the National Assembly details no progress on FATA reforms, except that the committee has been formed, Special Advisor to the Prime Minister Sartaj Aziz has been appointed as the head, and consultations are under way.¹ The committee was meant to deliberate over three core issues:

1. extending the jurisdiction of the superior courts to FATA;
2. shifting the legislative powers for the tribal areas from the hands of the president and governor KP to the parliament, and to the Balochistan/KP Assemblies; and
3. deciding if FATA should be made part of mainstream KP or of the Provincially Administered Tribal Areas (PATA) in KP or if it should be given the status of a province of Pakistan.

Thus far, the committee has offered nothing substantial.

A FATA Tribunal was re-formed by the government in May 2015, to take up cases dispensed by administrators. The previous tribunal had expired in January, 2015.⁴ This is an ad-hoc measure that does little to help the people of FATA, and has very limited powers to affect change.

6.3 FATA: Operation Zarb-e-Azb

Operation Zarb-e-Azb is a joint military offensive being conducted by the Pakistan Armed Forces against various militant groups, including the Tehreek-i-Taliban Pakistan (TTP), the Islamic Movement of Uzbekistan (IMU), the East Turkestan Islamic Movement (ETIM), Lashkar-e-Jhangvi (LeJ), al-Qaeda (AQ), Jundallah and the Haqqani Network. The operation was launched on June 14, 2014 in North Waziristan, but has since expanded to include urban pacification operations in the port city of Karachi in Sindh province. The operation has 30,000 soldiers on the front lines, and was launched following the breakdown of negotiations with extremist elements and a brazen attack on Karachi airport.⁵

sued-govt-forms-high-powered-panel-on-fata-reforms/.

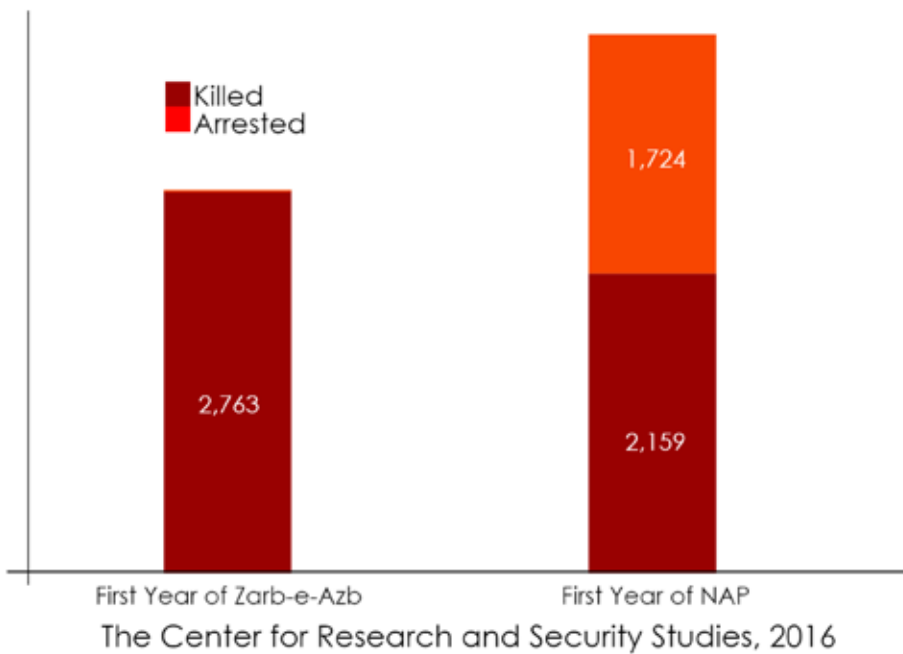
⁴ Bureau Report. (2015, March 28). 'Much awaited' Fata Tribunal formed. Retrieved March 04, 2016, from <http://www.dawn.com/news/1184671>.

⁵ Salahuddin, Z. (2014, April 24). Countering Insurgency. Retrieved March 04, 2016, from <http://www.worldpolicy.org/blog/2014/08/29/pakistan-countering-insurgency>.

6.3.1 Progress

On June 13, 2015, the Pakistani military reported progress over the operation in the course of a year. Director General of the Inter Services Public Relations (ISPR) Asim Saleem Bajwa reported that 2,763 militants had been killed so far, including 218 terrorist commanders in 9,000 intelligence based operations (IBOs).⁶ The update also listed 837 hideouts destroyed, 253 tons of explosives recovered, and 18,087 weapons seized. 347 officers and soldiers had also sacrificed their lives in the operation. This accounts for the first year of the operation. The report presented in the National Assembly in January, 2016 claims 2,159 terrorists killed, and another 1,724 arrested over the course of the first year of the NAP.¹

Graph 6.1 Progress against Militancy and Armed Combatants



This goes on to show that the law enforcement agencies in Pakistan are particularly adept at killing the extremist threat. However, this asymmetrical warfare is not sustainable as it does nothing to eliminate the radical ideology that forms the root of this conflict. Pakistan needs significant policy changes and law reforms to

⁶ ISPR. (2015, June 13). ISPR Press Release - No PR170/2015-ISPR. Retrieved March 04, 2016, from https://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2015/6/13.

ensure the relative peace acquired is maintained in the long run.

Please see [Section 6.7](#) for a detailed discussion on the future of NAP in FATA and KP.

[6.3.2 Internally Displaced Persons](#)

Please see [Section 8.3.3: IDPs – Rehabilitation Plans](#).

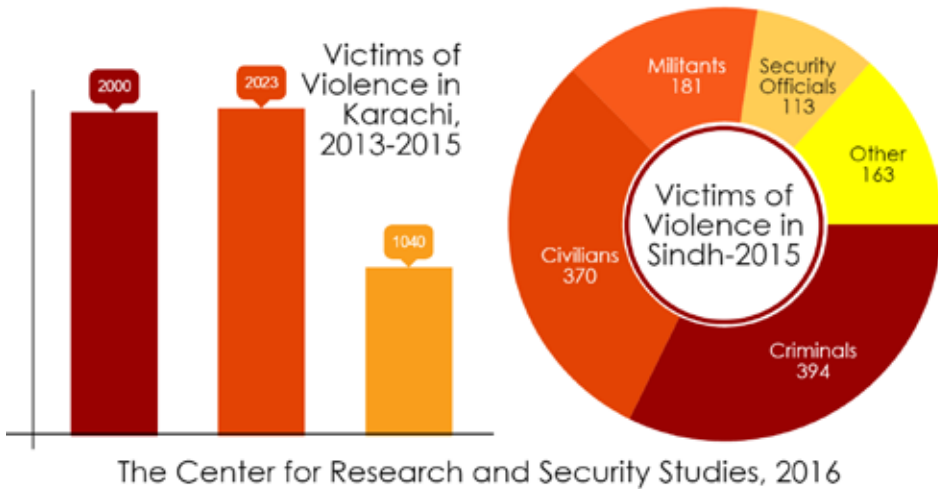
6.4: Karachi Operation

[6.4.1 Violence in Karachi](#)

Data collected by the Center for Research and Security Studies (CRSS) shows that despite the violence in FATA, Karachi remained the most violent and volatile district in Pakistan the last several years running. Karachi lost 5,063 persons to violence in the last three years. However, the level of violence has reduced by nearly 78% in Sindh, while Karachi witnessed a 48% drop in the fatalities from different forms of violence in the year 2015.⁷

⁷ Nafees, M., Gul, I., & Salahuddin, Z. (2016, February 26). CRSS Annual Security Report - 2015. Retrieved February 26, 2016, from <http://crss.pk/wp-content/uploads/2010/07/CRSS-Annual-Security-Report-2015.pdf>.

Graph 6.2 Violence in Karachi – 2013 – 2015



6.4.2 Ranger’s Deployment in Karachi

Rangers are a paramilitary force under control of the Ministry of Interior, and their primary task is to guard, defend and secure borders in peace time as well as war time, provide and maintain security in war zones and areas of conflict, and maintain law and order which includes providing assistance to the police.

The Rangers Karachi operation was inaugurated by Prime Minister Nawaz Sharif on September 5, 2013, to rid the city of crime, political militancy and violence.⁸ Two years later, the Rangers announced the completion of phase one, with the second phase to commence from August 14, 2015.⁹

The Rangers operation in Karachi continues at the time of writing this report.

6.4.3 Shift in Focus since NAP

A new sense of urgency was observed in January, 2015, when the PM called a

⁸ Tunio, H. (2013, September 04). Karachi law and order: Rangers to launch operation in two days - The Express Tribune. Retrieved March 04, 2016, from <http://tribune.com.pk/story/600064/karachi-law-and-order-rangers-to-launch-operation-in-two-days/>.

⁹ Khan, F. (2015, August 10). First stage of Karachi security operation complete: Rangers - The Express Tribune. Retrieved March 04, 2016, from <http://tribune.com.pk/story/935314/fist-stage-of-karachi-security-operation-complete-rangers/>.

high level meeting on the law and order situation in Karachi.¹⁰ There was a clear shift in mandate, as just over a month later, political militancy, a long-standing source of extreme violence in the city was targeted in Karachi. Rangers raided the headquarters of Muttahida Qaumi Movement (MQM), arresting absconders and recovering banned, unlicensed weaponry.¹¹ Thus both sources of violence in Karachi, religious militancy and political militancy, were targeted.

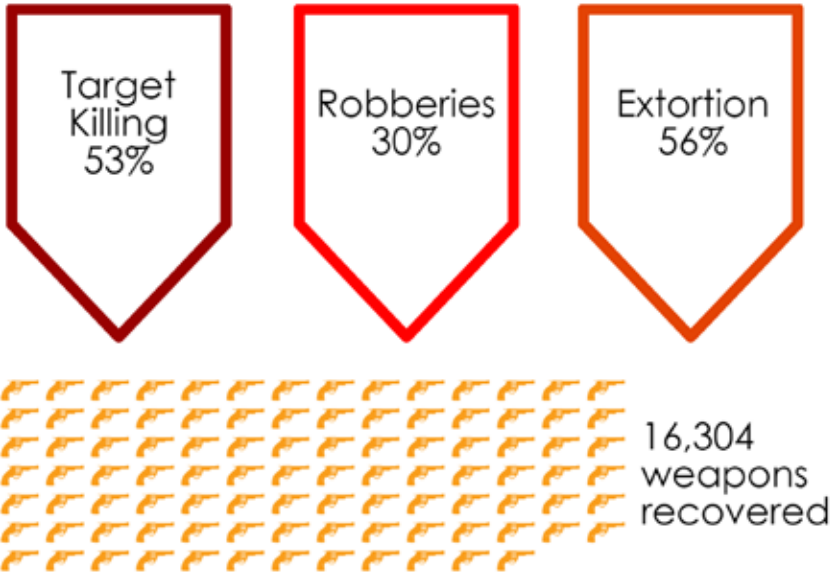
6.4.4 Outcomes of Karachi Operation

In the January, 2016 report to the National Assembly, it was shared that a significant decline in violence, militancy and crime was observed in Karachi.¹ According to the report, target killing was down by 53%, robberies down by 30%, and extortion down by 56%. 69,179 criminals had been arrested, which include 890 terrorists, 676 proclaimed offenders, 10,426 absconders, 124 kidnappers, 545 extortionists, and 1,834 murderers. The report also claimed that 16,304 weapons had been recovered.

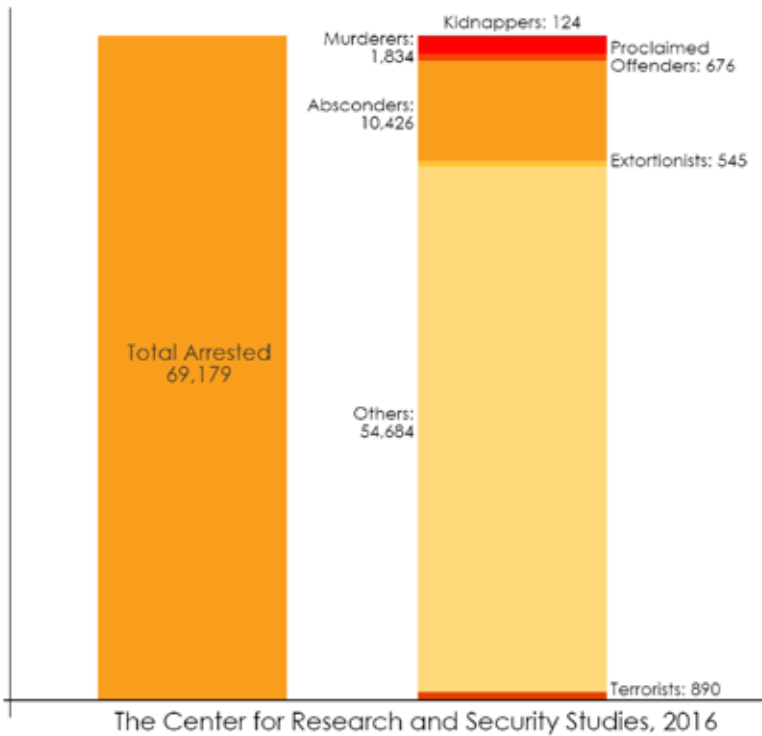
¹⁰ Khan, F. (2015, August 10). PM summons high-level meeting on law and order situation in Karachi tomorrow - The Express Tribune. Retrieved March 04, 2016, from <http://tribune.com.pk/story/829573/pm-summons-high-level-meeting-on-law-and-order-situation-in-karachi-tomorrow/>

¹¹ Salahuddin, Z. (2015, April 15). A New Turn for Pakistan's Fight Against Militancy. Retrieved March 04, 2016, from <http://foreignpolicy.com/2015/04/15/a-new-turn-for-pakistans-fight-against-militancy/>.

Graph 6.4 Karachi Operation Outcomes - Milestones



The Center for Research and Security Studies, 2016

Graph 6.3 Karachi Operation Outcomes - Arrested

This data is backed by findings from the Center for Research and Security Studies, although the figures differ somewhat.⁷

Please see [Section 6.8](#) for a detailed discussion on Karachi.

6.5: Baluchistan Insurgency

6.5.1 Baluchistan Nationalist Movement

Baloch nationalism in its contemporary form began nearly a century ago in the 1920s in the form of the Anjuman-e-Ittehad-e-Balochan (AIB - Organization for Unity of the Baloch). The movement claims that the Baloch people are a nation, and emphasizes ethnic loyalty over religious loyalty; an idea that is contrary to the ideology behind Pakistan's creation. Their demands have ranged from cultural,

economic and political reforms, to political autonomy, to outright secession from Pakistan. The movement is secular and heavily influenced by leftist Marxist ideology.¹²

6.5.2 Baloch Insurgent Groups

The ongoing insurgency is not the first of its kind. In fact, the current conflict, started in 2003, is the fifth of its kind.¹³ The insurgents in Pakistan are fragmented into several groups, mainly the Baloch Liberation Army (BLA), the Baloch Republican Army (BRA), the Baloch Liberation Front (BLF) and the Lashkar-e-Balochistan (LeB -Baluchistan's army). While this fragmentation is reflective of the tribal nature of Baloch nationalists, their demands are deeply rooted in Baloch nationalist ideology.

6.5.3 Missing Persons

Missing persons is a generic term used in Pakistan to refer to the ostensibly hundreds of persons in Pakistan who have disappeared in conflict zones.

The number of missing persons is a contested issue, with a huge gulf between the claims by Baloch activists, human rights bodies and the statistics of the government. Mama Qadeer's Voice for Baloch Missing Persons (VBMP) has always claimed the highest toll at 21,000+¹⁴. This is abnormally different from official numbers, as the Commission of Inquiry on Enforced Disappearances (CIED) informed the Supreme Court that 982 missing persons had been traced in the last four years.¹⁵ According to CIED's report, 1,273 cases of enforced disappearances are still unresolved, with only 122 of them belonging to Balochistan. Meanwhile, Defence of Human Rights, an NGO that traces missing people, puts the number at 5,149 from all over Pakistan.¹⁶

Missing persons remain a thorny issue for authorities to navigate. Without a proper resolution of the problem, reconciliation efforts will be hampered in Balochistan.

¹² Breseeg, T. M. (2004). *Baloch nationalism: Its origin and development*. Karachi: Royal Book Company.

¹³ BBC. (2014, February 22). *Balochistan: The untold story of Pakistan's other war* - BBC News. Retrieved March 04, 2016, from <http://www.bbc.com/news/world-asia-26272897>.

¹⁴ Correspondent. (2015, April 17). *Raising his voice: 21,000 missing in Balochistan, says Mama Qadeer* - The Express Tribune. Retrieved March 04, 2016, from <http://tribune.com.pk/story/871142/raising-his-voice-21000-missing-in-balochistan-says-mama-qadeer/>.

¹⁵ Malik, H. (2015, February 22). *Enforced disappearances: Up to 982 missing persons traced in the past four years* - The Express Tribune. Retrieved March 04, 2016, from <http://tribune.com.pk/story/842656/enforced-disappearances-up-to-982-missing-persons-traced-in-the-past-four-years/>.

¹⁶ Iqbal, N. (2015, January 14). *SC seeks report on number of missing persons*. Retrieved March 2, 2016, from <http://www.dawn.com/news/1156658>.

Please also see [Section 4.3: CPEC Security](#).

[6.5.4 Reconciliation Efforts](#)

The government currently believes that reconciliation and addressing grievances is the best way to appease the Baloch nationalists and to end the conflict in the province. The report presented to the lawmakers in the National Assembly by the Interior Minister Chaudhary Nisar is fairly vague. Verbatim, it states that “surrender and reconciliation/rehabilitation of absconders/outlaws in progress”.¹⁷ The exact figure for insurgents who have surrendered varies from source to source, but it was reported that 625 insurgents laid down their arms in the last six months.¹⁷

According to another report, some 1,025 militants, belonging to various proscribed outfits, have surrendered before the provincial government during the past year.¹⁸

In April 2015, Balochistan Chief Minister Dr. Abdul Malik also said that a reconciliation strategy had been devised to help mainstream Baloch nationalists.¹⁹ The Prime Minister also visited Balochistan in August and launched a “Peaceful Balochistan Plan” to bring angry Balochs back into the fold.²⁰ After a meeting in October between the CM and the PM, the CM announced that he would hold a tribal council to meet exiled leaders and persuade them to join the political mainstream.²¹ Balochistan Minister Nawab Sanaullah Zehri had also met the Khan of Kalat²² in London earlier in August, 2015 as part of the reconciliation policy.²³

Please see [Section 6.9](#) for a detailed discussion on Balochistan.

¹⁷ Correspondent. (2016, February 08). Balochistan reconciliation: 625 insurgents surrendered in six months - The Express Tribune. Retrieved March 04, 2016, from <http://tribune.com.pk/story/1042338/balochistan-reconciliation-625-insurgents-surrendered-in-six-months/>.

¹⁸ (2016, April 26). 1,025 militants surrendered in Balochistan during past year. Retrieved March 06, 2016, from <http://www.dawn.com/news/1254551>.

¹⁹ Khan, A. (2015, April 26). Reconciliation plan drawn up for estranged Baloch leaders: CM - The Express Tribune. Retrieved March 06, 2016, from <http://tribune.com.pk/story/876111/reconciliation-plan-drawn-up-for-estranged-baloch-leaders-cm/>.

²⁰ Shahid, S. (2015, August 07). Plan for ‘peaceful Balochistan’ approved. Retrieved March 04, 2016, from <http://www.dawn.com/news/1198912>.

²¹ Ali, S. (2015, October 08). Sharif intensifies efforts to reconcile with exiled Baloch leaders. Retrieved March 04, 2016, from <http://nation.com.pk/national/08-Oct-2015/sharif-intensifies-efforts-to-reconcile-with-exiled-baloch-leaders>.

²² Current Khan-e-Kalat, Mir Agha Suliman Daud, went into self-exile in the United Kingdom after the assassination of Nawab Akbar Bugti in 2006 and decided to form a government in exile of Balochistan.

²³ Shah, S. A. (2015, August 15). Zehri meets Khan of Kalat in London. Retrieved March 04, 2016, from <http://www.dawn.com/news/1200640>.

6.6 ARTICLE: FATA Reforms: the Political Economy
by Imtiaz Gul²⁴

Down the Rabbit Hole

In December 2006, at the height of General (ret'd) Pervez Musharraf's controversial career as the President of Pakistan, a large meeting was convened. The attendees included officials from FATA, FATA Secretariat (including the Political Agents), SAFRON, and the then NWFP Governor, as well as a number of FATA elites such as ministers and clerics, and a contingent of the military establishment. The President's intent was to put all the FATA stakeholders in one room, and determine the future of FATA. For nearly three days, fiery speeches, ambitious plans and reform proposals bounced back and forth between the political and military elite, the only common thread being universal praise for Musharraf for taking the initiative.

However, the enthusiasm gave way to caution on the third day, when participants universally admonished Musharraf to not tinker with the existing system, lest he was prepared to face catastrophic consequences. Despite days of deliberation and discussion, the group rose, undecided, perhaps to meet another day. One of the Political Agents (PAs) recounted these proceedings to me at the Parliamentarian's Lodges in Islamabad. He was not particularly thrilled about future movement on the status of FATA either, and perhaps understandably so. Military officials, he said, disfavored any changes in the view of the ongoing "religious insurgency".

The military's stake in FATA also came to light in 2009, when a 27-member Committee on Constitutional Reforms deliberated extensively and climaxed with amendments to 105 articles of the federal constitution. However, not one of these applied to Part XII: Miscellaneous – Chapter III: Tribal Areas. Specifically, Article 246 - which geographically defines "Tribal Areas", "Provincially Administered Tribal Areas" and "Federally Administered Tribal Areas" - and article 247 - which gives the President sweeping powers, and excludes these areas from any parliamentary legislation, or legal jurisdiction from the Supreme Court or any High Court - were simply missing from the suggested list.

Representatives from the Awami National Party (ANP) and Pakistan People's Party (PPP) told me in background interviews that the military opposed any discussion on FATA. Jameat-e-Ulema-e-Islam Fazl-ur-Rehman (JUI-F) members remained vague when asked about FATA. Nearly everyone agreed on the need for reforms, but none had any solutions, and most blamed the GHQ. Military officials, including General Tariq Khan, the then Inspector General of the Frontier Corps, told me the parliamentarians "asked us for our opinion and we told them that the timing

²⁴ Article re-printed with author's permission.

was not right". But, he underscored, the military left it to the will of the parliamentarians to do whatever they wanted with FATA.

The net result was that there was not even an "expression of intent with regards to changes in FATA" in the 18th Amendment, passed on April 10, 2010. However, to solely blame the military's manipulation of the FATA reform agenda would be feigning obliviousness to the political economy of the region. This rabbit hole goes the deeper the more you traverse it.

A Matter of Regulations

In order to understand the political economy of the region, it is important to first take a look at the history and nature of FATA's current status, as well as the Frontier Crimes Regulation (FCR).

Historically, FATA has always presented a complex set of judicial and administrative problems. The FCR, formed in 1901, was an evolution of the Murderous Outrages Regulation of 1867, which gave British rulers, historically unable to establish their writ in the tribal region, powers to prosecute individuals for heinous crimes, such as murder. In 1947, Pakistan not only adopted the FCR, but added the clause that would allow for an individual's arrest without even specifying the crime. Since then, the FCR is almost universally seen as a system of oppression, outdated, ill-advised, and draconic. Over time, the regulation has been amended several times, but never to the benefit of the people of FATA.

The FCR contains 64 sections, most of them ill-intended, but the most detrimental ones are sections 21-30, 32, 34 and 40. Sections 21-30, also known as the Collective Responsibility clause, allow a tribe to be punished for the actions of one member. Section 34 allows for homes and property of the tribesmen to be demolished, if, for instance, the state wishes to acquire that land. Section 32 allows for entire settlements to be burned to the ground. Section 40, perhaps the most abused of all, allows the administration to detain a person, potentially for years, on mere suspicion, and without proof. This also implies that there is no provision for the accused to appeal and prove his innocence under the FCR.

The FCR is also credited with the rise of militancy in Pakistan. Professor Ijaz Khan of Peshawar University believes that as a tool to impose rule of law and improve service delivery in the justice sector, the FCR only became weaker than it already was after 9/11. When the Taliban fled Afghanistan, they came to FATA because there was already a security vacuum due to poor governance, lack of development, with no judicial or administrative system working for the welfare of the people, illiteracy, and anti-state angst, all of which helped the militants make this region their safe haven.

The FCR is also completely silent on women, and affords them no rights.

Understandably, the continuation of the FCR and the lack of progress on the status of FATA only widened the gulf between the citizens of FATA and the federation.

FATA is the only region in Pakistan where the parliament cannot legislate, and the apex courts cannot adjudicate. The area is administered by the Governor (as a representative of the president) of the Khyber Pukhtunkhwa province, under the supervision of SAFRON in Islamabad. Oddly, the 12 members in the National Assembly and 8 in the Senate from FATA can vote and legislate on bills in any part of the country, but the constituents they represent. They have no technical or political power under article 247 of the constitution. The real power belongs with the Political Agents.

Politically Economical

John Dalberg-Acton, the English Catholic historian, writer and politician once said, "Power tends to corrupt, and absolute power corrupts absolutely." In Pakistan, nowhere is this more evident than the role of the PAs. Political Agents are a) the symbol of the state's authority, b) the tribal people's advocate, and c) the liaison between the people and the government. The PA serves in three official capacities, a) the titular office, b) district magistrate, and c) sessions judge. He can even impose curfew, reject bail, and hold someone in confinement indefinitely.

Near universally, the PA role is viewed as corrupt officials enjoying unchecked, boundless power. Facilitated and powered by the roughly 35,000 or so *Maliks* (title-holders/representatives of tribes), the FCR is often used as a fulcrum to exact political vengeance. The elite and rich can easily leverage the FCR as a mechanism to escape punishment (a vote of confidence from four *Maliks* can prevent detention), and as a tool to eliminate competition, punish enemies, or clear the playing field. It is easy to see how this oppressive and unjust system can be exploited by those with resources and power, and abhorred by youth and the lowest rungs of the socio-economic strata.

The anecdote at the top suggests that the military establishment is adamantly and historically opposed to changes in the status of FATA. They present a formidable blockade against progress on FCR reforms. The 35,000 or so *Maliks* in FATA, and the elite, including the ministers, the businessmen and other affluent influentials that enjoy a life of luxury and privilege without consequence, also oppose reforms in the region. Finally, the FATA Secretariat and SAFRON are a key stakeholders. The Secretariat under the governor, including the seven Political Agents, and their respective staffs (essentially a smattering of super-empowered bureaucrats in Islamabad and Peshawar), have a huge monetary stake in the status quo. The most powerful and vocal of these hail from Khyber and Bajaur Agencies, Bannu (North

Waziristan) and D. I. Khan (South Waziristan).

Current Progress

The attempt at FATA reforms is not new. The meeting with Musharraf in 2006, and the constitutional reforms in 2009, are just two examples. In 2010, eleven reforms in the FCR were proposed by the Political Parties Joint Committee on FATA Reforms. These were chided for being invariably chained to government interests. In August 2011, the then President Asif Ali Zardari passed a Presidential Order to amend the FCR. Although minimal in its scope, it is still recognized as the most practical and significant change in the regulation since its inception.

Years later, in May 2014, we at CRSS had another opportunity to discuss FATA, this time through a 20-episode series of TV shows and 60 radio shows - involving about 50 notables such as FATA MPs, businessmen, civil society members, and representatives from mainstream political parties. Ironically, all these discussions yielded a fragmented picture; most of the youth - students, civil society, and younger parliamentarians vociferously advocated for the abolition of FATA's current status. Most of the parliamentarians and businessmen, however, pleaded for a phased, incremental change to the status of FATA through extension of the writ of the Peshawar High Court and the local government elections. Even some of the officials we spoke to also argued that touching FATA in existing circumstances was a dangerous proposition. This mirrors the political economy dichotomy in the previous sections.

Most recently, in September 2015, nearly three months after the FATA Reforms Commission's report, sources indicate that a "step-by-step procedure for merging tribal areas into settled districts" is underway. To precipitate this, Bajaur and Mohmand Agencies from FATA will be merged into PATA. The estimated time for this transition is 8-10 months, and it will serve as a stepping stone for other areas to be brought into the national fold. On the 9th, the 22nd Constitutional Amendment Bill was presented in the National Assembly by FATA lawmakers, proposing amendments to Articles 246/247 to grant full citizenship rights to the tribesmen, extend the reach of apex courts to the region, and the merger of FATA into KP.

The Way Forward

Moong Qabail, the series of media programs CRSS conducted on FATA reforms, brought forth a range of suggested solutions and ideas on how to manage this century-old problem. The series publically and empirically confirmed the sentiment that the people of FATA hold FCR responsible for the ills being suffered, and that it was time it was repealed, reformed, or abolished altogether. The status quo simply cannot continue. The people in FATA may hold the green passport, but the Constitution's Article 247 and the FCR deprives them of fundamental human

rights and civil liberties, even though they are afforded to citizens in all other parts of the country. These Federally “Alienated” Tribal Areas are denied their right to life, security, justice and expression.

The abolishment of the FCR presents three options for the status of FATA. FATA could be merged into KP, become its own province, or FATA could run with its own Governor with Central Council, as well as agency and tehsil councils. The 22nd Constitutional Amendment proposes the first of these. Failing this, a plethora of issues need to be managed. These include the influence of the political agents, the separation of administration and judiciary, the FATA council, holding local body elections, representation of women, development, education and health facilities and the influence of the government within the ambit of the judiciary.

As it stands, two things seem to be happening simultaneously: the ginger first step of merging two agencies into PATA, and doing away with FCR altogether, and merging FATA into the KP. Both are good news for a people subjugated by over a century of bad governance, archaic policies, and dated regulations, but it must be said that neither is official or expected soon. Most of the older FATA MPs believe in a gradual shift from the current status to mainstreaming of FATA. However, the pull of the forces of status quo is simply much stronger than those who favor comprehensive reform, whereby the law of the land could be extended to the FATA and it could be thus mainstreamed. To turn the tide, a series of mechanisms will need to be deployed to help mitigate the powerful political economy that so vehemently resists any attempt at change.

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6.7 OPINION: NAP has to go a long way in KP/FATA by Shiraz Paracha

The Pakistan Tehreek-e-Insaf (PTI) led by Imran Khan has been leading a coalition government in the Khyber Pakhtunkhwa Province of Pakistan for the past two years and a half.

The cricketer-turned-politician claims his party's government has transformed the provincial police into the best police force of the country but it is hard to prove that claim if one looks at the law & order situation and the crime rate in the province.

Just two days before the turn of the year, the carnage in Mardan, the second largest city of Khyber Pakhtunkhwa, was a stark reminder that a lot more needs to be done by the provincial government before it claims that situation is back to normal in the province. At least 26 people were killed when a suicide bomber blew himself up at the office of National Database and Registration Authority (NADRA) in the city. Another 52 were wounded.

It was the first major attack in the province since the dastardly gun and bomb attack at the Amy Public School in Peshawar in which nearly 150 people, most of them innocent students, were mowed down by a group of terrorists associated with the Tehreek-e-Taliban Pakistan. It was the attack which sent shockwaves not only throughout Pakistan but across the world.

Observers say had security guard been not posted at the NADRA office gate and he would not have stopped the attacker from getting into the office, the fatalities could have crossed the 200 marks as the NADRA office was packed with scores of people looking for their national identity cards.

Questions are being asked that how could the bomber manage to come to the office of the NADRA riding on motorbike without being noticed.

The attack is all the more shocking for it has taken place in an area which is the birthplace of 2500-year-old ancient Gandhara Civilization.

Monks trained at Buddhist schools of Mardan region would travel to present day Japan, Korea and China to spread Buddha's message of peace and tranquility.

Nearly 90 years ago, from here, Khan Abdul Ghafar Khan also known as Bacha Khan, had launched a non-violent movement for the independence of India from the colonial rule from the same region.

Unfortunately, this entire region was turned into a bastion of Taliban and extrem-

ists over past few decades.

Many people suspect that extremism spread in the Pakhtun region on the prodding of the powerful establishment which pampered extremists groups to achieve foreign policy objectives in Afghanistan and India.

Dubbed as “military-mullah” alliance, the this two-way cooperation and coordination continued until the APS deadly attack on 16 December 2014.

Following that tragedy, Pakistani political and military leadership agreed on a comprehensive strategy in the shape of National Action Plan (NAP) to fight terrorism.

The government claims the NAP is being successfully implemented but that claim is being widely disputed.

It is true that over the past one year coordination among intelligence agencies has improved, a special counter terrorism force has been established in Khyber Pakhtunkhwa, but, target killings, kidnappings and radicalization of people continues in the province.

Government sources say the number of terrorist attacks has been fallen due to the successful crackdown of the law enforcement forces’ successful and better coordination among various security agencies.

Officials of federal and provincial agencies regularly meet; exchange information and plan counter terrorism action.

Nonetheless, many officers admit that mutual trust among various agencies over information sharing is still a challenge.

The KPK police are believed to be used as PR tool by the PTI government though in reality there is widespread dissatisfaction among rank and file of the police force.

Officers and constables feel that their sacrifices are not duly acknowledged.

The Police have been pushed into a war for which they are neither properly trained nor being equipped. The Police are not trained to fight terrorism.

The provincial government is said to be not supporting the police force they deserved to be backed up.

The morale of the force cannot be raised just by only announcing financial compensation for those who lay down their lives or get injured in the line of duty.

Police officers expect that provincial ministers would stand shoulder to shoulder

with the Police in the fight on terror.

Nasir Durrani, the provincial police chief, is a competent officer.

Mr. Durrani has been trying his level best to make the force worth of its name but but he has to go a long way to go to achieve this objectives.

There is a discontent in the rank and file of the officers throughout the province, Many civilian officers deputed in the police force are not happy either.

There is a clear-cut division among civil bureaucracy over promotions, postings and transfers in the province.

It is unrealistic to expect good performance from a demoralized force.

Due to lack of appreciation and encouragement, civil servants and police officers are just doing their routine work. This lack of interest is negatively affecting progress in the implementation of the NAP.

In November 2015, I saw hundreds and thousands of highly charged pro-Taliban people in the funeral of a religious figure in Akora Khattak, a small town just six kilometers east of Nowshera Cantonment.

These radicalized people were drawn from all over province, FATA as well as Afghanistan to pay homage to their teacher and spiritual leader, Maulana Sher Ali Shah.

The deceased was a colleague of Maulana Sami-ul-Haq, who is known to have contacts both with the military and militants.

New construction is underway n the Haq's sprawling at Darul Uloom Haqania or seminary in Akora Khattak which has served as a alma mater for severa;l Taliban leaders.

More and more young people are getting themselves enrolled with the seminary. Top government leaders are also among the visitors.

Just military and police operations cannot wipe out terrorism. The places like Darul Uloom Haqania need to be turned into bastion of love, peace and humanity. Until that happens, no National Action Plan will work.

Shiraz Paracha is an analyst, commentator, journalism professor, and his areas of interest include Afghanistan, Pakistan, Central Asia, Russia and China. He can be reached at shiraz_paracha@hotmail.com.

6.8 OPINION: Karachi's Woes by Amir Zia

The ongoing operation in Karachi remains a key component of the 20-point National Action Plan (NAP) without which Pakistan cannot hope to achieve a decisive victory in its war against extremism and terrorism.

The NAP declaration says that the Karachi Operation will be taken to “its logical conclusion.” But more than two years after the paramilitary Rangers were empowered to go after criminals and terrorists responsible for politically and religiously-motivated killings, extortion, kidnappings for ransom and terrorism, this much trumpeted campaign -- launched in September 2013 -- is nowhere close to its “logical conclusion.”

Yes, the operation brought “targeted-killings” sharply down in this restive port city. Sindh Police figures say that 986 people were killed in 2015 compared to the highs of around 1,925 in 2014. In 2013 – the deadliest in recent years – more than 2,500 people had been killed, mostly in tit-for-tat killings among criminal-cum-political mafias and various sectarian and religious groups, while in 2012 such killings were a little over 2,000.

The crackdown also helped end the reign of terror of various political, ethnic and criminal mafias in many volatile parts of the city. Extortion, which was widespread and forced shopkeepers and traders to stage a series of unprecedented lock-outs of their businesses in 2009 & 2010 onwards, witnessed a sharp decline.

Kidnapping for ransom cases, which peaked to 283 in 2013, fell to 115 in 2014 as a result of the arrests and killings of a number of kidnappers in “encounters.” And in 2015, only 25 kidnapping for ransom incidents were reported, according to the figures compiled by the Citizen-Police Liaison Committee, which specializes in resolving such cases with the help of the law enforcement agencies.

The Human Rights Commission of Pakistan (HRCP) in its 2015 report on Karachi also highlighted the declining trend in the incidents of organized violence and terrorism. The HRCP figures show almost a 50 percent drop in the number of bomb explosions in Karachi in 2015.

But despite successes, there are legitimate concerns about the sustainability of these gains.

The ongoing tussle between the Sindh and the federal governments over the operational autonomy for paramilitary Rangers is not the only factor triggering uncertainty. There are a number of other fundamental issues, which if remain unresolved will not just obstruct the Karachi Operation from achieving its objectives,

but hurt the country's overall effort in the war against terrorism and extremism. Therefore, the success of Karachi Operation remains pivotal if the government is serious in establishing the rule of law and bringing peace in the country.

To achieve this goal, our politicians – both at the federal and provincial level – must show political will, maturity and consistency. They also need to rise above their narrow self and political interests and sincerely work to break the ties between crime and politics which has been thriving here for the past several decades.

However, the foremost and immediate challenge that threatens to wipe-out the gains of Karachi Operation stems from the lack of consensus among key stake holders regarding its targets, direction and methods.

The Pakistan Peoples' Party-led (PPP) Sindh Government is trying to clip the operational autonomy of Rangers and narrow down the ambit of their assignment after raids on provincial government offices and arrest of "its own men."

The arrest of former federal minister Dr Asim Hussain – a close friend of PPP Co-Chairperson Asif Ali Zardari – on the alleged charges of corruption and assisting terrorists triggered fears among many Sindh Government stalwarts and party's central leaders that they could also be among the possible targets. Therefore, the PPP aims to blunt the operation and restrict its focus mainly to the banned sectarian and religious groups or the other political forces, including the Muttahida Qaumi Movement (MQM).

However, the argument of the law enforcement agencies makes sense that without choking finances and apprehending supporters, abettors and patrons of criminals and terrorists, their job will only be half done.

Although the federal government has supported the Rangers in this tussle, the friction between Sindh government and the security establishment is a bad news in Pakistan's fight against terrorism.

The PPP, other opposition parties and the rights groups might be raising some legitimate concerns about the alleged high-handed actions of the Rangers, but they should be addressed without compromising the operational autonomy and independence of the Rangers.

The authorities should consider setting up an independent monitoring committee to address complaints or grievances about the conduct of the Operation. The proposed Committee can comprise of retired judges and civil society members and work in tandem with an in-house watch-dog of the security establishment.

The PPP and the other political forces should realize that there is an overwhelm-

ing support for the operation among the masses. Any attempts to derail it would only create complications and unintended consequences. Therefore, the political forces should support the operation in its present form and refrain from changing rules of the game to save a select few.

Besides, the civilian leadership must focus on the following initiatives if they want to see Karachi Operation a success and achieve the goals set in the NAP.

Firstly, the government needs to move on a war-footing to implement the long overdue police reforms. These reforms must include granting the police force a complete operational autonomy and independence. They should also put an end to political interference in the Police Department, establish a merit-based recruitment process, ensure modern training and guarantee transparency in all transfers and postings.

Secondly, sweeping judicial reforms have also been pending for a long time. The NAP declaration calls for upgrading the judiciary. This includes increasing the number of judge and courts, establishing a protection program for witnesses, prosecutors and judges and capacity-building and training of prosecutors and investigators.

Thirdly, the government should also focus on abolishing the breeding grounds of crime and terrorism. This can be done only through investment on education and social, economic and infra-structure uplift and development.

Sadly, civilian authorities fare poorly on these three fronts. The media, the civil society and various stakeholders should create awareness and build pressure on the federal and provincial governments to initiate measures on these three key fronts as arrests and killings of criminals and terrorists can only work to an extent. The real challenge in the mid- to long-term is to eliminate those factors which breed criminals and terrorists. Karachi Operation can only be successful if the authorities take a holistic approach and along with the use of force, focus on reforms and development as well.

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6.9 OPINION: The Balochistan Saga by Shahzada Zulfiqar

The government has succeeded in controlling terrorism to a considerable extent in Baluchistan, particularly in areas affected by the Baluch separatist violence, with the implementation of the National Action Plan (NAP).

However it has not yet taken any tangible steps to initiate dialogue with the Baloch separatists living in exile.

In the first apex committee meeting held in Quetta in February last, a road map was drawn for the implementation of NAP.

The meeting, chaired by the Prime Minister Nawaz Sharif and attended by Army Chief General Raheel Sharif along with heads of security agencies, formulated a policy to implement the NAP by using carrot and stick policy.

Under this policy, the military was allowed to launch intelligence based operations and at the same time the provincial government is directed to start reconciliation efforts with Baloch separatist leaders.

The apex committee also approved a general amnesty scheme under which monetary benefits, employment opportunities and security for those who are willing to surrender have been announced.

Under this policy, half a million to two million rupees were to be awarded to the fighters ranging from an ordinary fighter to a local commander who lay down their arms.

The policy was aimed at luring the militants to abandon fighting in return for monetary benefits and security assurances.

It has also been decided that efforts would be made to seek deportation of the separatists leaders living in exile in the western countries as well as confiscation of their all moveable and immovable properties in order to choke the financing to their banned organizations.

Besides federal agencies like FIA, Customs and NAB, Police have also been directed to probe financial sources of the separatist and insurgent groups.

The people providing money to these insurgents through Hawala under the garb of money exchange business are being interrogated while revenue records are being checked at the tehsil level to obtain the property details of the insurgent leaders. However, no breakthrough has been achieved on this count, so far.

The pro-government tribal Chieftains like Nawab Sanaullah Zahri, Nawab Chagaiz Marri – son and successor of the separatist leader Nawab Khair Bux Murri -- and Sardar Sarfaraz Dombki -- the grandson of Nawab Akbar Bugti -- played active role in trying to persuade the outlawed comrades to lay down arms.

Around six hundred fighters besides six commanders of the banned organizations have so far surrendered from Awaran, Lahri, Dera Bugti and Kohlu in a special ceremonies.

There are some suspicions among general public about genuineness of these surrendering people amidst reports that the tribes loyal to pro-government tribal notables were included in the list of ‘surrendering’ insurgents for the sake of monetary benefits.

On the other hand, major separatist elements rejected the general amnesty offer and vowed to continue fighting till independence.

The Baloch nationalist groups, however, believe that such amnesty schemes aimed at winning loyalties through money instead of addressing genuine issues would not yield any positive result in the long run.

In the anti-insurgents operation, three nephews, a brother and a brother-in-law of top fugitive Dr Allah Nazar besides a number of colleagues were killed in Awaran.

Initially, there were reports that Dr. Nazar, who heads separatist Baloch Liberation Front, was also killed, but later a video was released purportedly showing him alive.

Some 204 suspected terrorists of banned organizations including TTP and LEJ were also killed and 29 injured in 1935 operations during last one year while 9176 were arrested besides recovering of 3290 weapons. No figure is available about the causality of forces in these operations.

Eight laws were proposed to reform the Criminal Justice System and two of them have been approved by the provincial assembly while rest are pending.

In order to curb hate speech, 13 people were arrested while 1200 books and 284 hate material were confiscated.

However no action has been taken against Madaris fuelling sectarian hatred.

116 cases of sectarian militants are pending in courts while 54 cases have been referred to Special Trial (military) courts.

The security forces are credited with killing of top militants of Lashkar-e-Jhangvi

like Usman Saifullah and Mahmood Kurd alias Wadeed , the masterminds of deadly suicide attacks, killings of hundreds of Shia Muslims in Balochistan and Sindh.

After the killing of LeJ leader Malik Ishaq along with his whole top hierarchy in police encounter in Punjab, there was general expectations that their counterparts in Baluchistan would also be brought to justice.

An important commander of Al-Qaeda's Umar Lateef was killed in August 2015 in Chaghi area bordering Afghanistan while his wife Tayyaba who is said to be head of the women wing of the banned organization was arrested.

His brother, identified as Bilal, however, managed to escape into Afghanistan.

A provincial government delegation comprising ministers and parliamentarians cum tribal elders of the National Party in Ramadan paid a visit to Khan of Kalat Mir Suleman Daud living in exile in London.

Nawab Sanaullah Zahri, the newly appointed Chief Minister and provincial head of PML(N), has also visited London to meet Khan Suleman.

Although government and its ministers have been claiming success, but both meetings remained inconclusive.

Khan went abroad to fight a legal battle in the International Court of Justice against Pakistan for its failure to abide by the instrument of accession reached between Quaid-e-Azam and Mir Ahmadyar Khan, the last Khan of the princely state of Kalat.

After killing of Nawab Akbar Bugti in a military operation, Khan of Kalat had convened a tribal Jirga in Kalat in September 2006 that had given him the mandate to seek justice from ICJ.

The outgoing Chief Minister Dr. Abdul Malik Baloch met Brahamdagh Bugti in Switzerland and is believed to have conveyed some of his demands to the military establishment.

No Baloch party except National Party of Dr. Malik Baloch is in the favour of making Gwader port operational and construction of CPEC unless reservations of Baloch population that it is being turned into minority due to these mega projects are removed.

Another major issue Baloch population is confronted with is the registration of Afghan refugees in millions as Pakistani nationals in NADRA record besides voters' lists.

Dr Malik and other Baloch parties opposed holding of census in 2016 in the presence of Afghan refugees who are estimated to be two and an half million in Balochistan.

The military high ups in apex committee meetings have assured provincial government to apprise their top brass as well as federal government about its reservations and apprehensions through their channel.

Pashtoon based political parties particularly PKMAP, however, reject these reservations and oppose the proposal of provincial government in this regard.

Although Home department claims to have taken stern action against the private militias, but many people doubt it.

These armed groups are believed to have been given in the control of pro-government tribal notables.

The officials claim that government has enough evidence that Shafiq Mengal, who heads a government-backed private militia, harbors the hard core elements from banned sectarian organizations and TTP who also involved in killing of eight Levy men.

The religious minorities particularly Hindus have been persecuted by these militias during the past 15 years long insurgency.

Hindu traders in restive districts particularly Khuzdar, Kalat and Mastung were being forced to pay Batha to these private militias. Consequently hundreds of Hindu families have migrated to India or to neighboring Sindh province.

The activists of these militias have been involved in crimes like highway robbery, rape, car snatching/lifting and abduction for ransom.

According to a report of the Home Department, 2441 seminaries have been registered while 518 have yet to be registered.

Some 143,446 students including 5,862 foreigners have been enrolled in these Madaris.

Still, it is believed, around a thousand Madaris situated in the far flung areas of the province have yet to be registered.

Dozens of facebook accounts, tweeters and websites have been blocked which were being used for propaganda in favour of separatists or against the state and security agencies.

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PART 7: SEMINARIES

SEMINARIES

NAP POINT 10: Registration and regulation of religious seminaries.

7.1 Introduction

Our seventh theme looks at the controversial topic of seminaries or madrassas, as addressed by the 10th point in the National Action Plan (NAP).

A full 13 months into the NAP, and the government has yet to decide on an agreed-upon process for data collection and registration of seminaries. Regulation and reform can only happen further down the line once the initial registration is streamlined and Pakistani authorities have a better sense of the number and scope of seminaries operating in the country. A total of 182 seminaries have also been closed during this period.¹

7.2 Seminaries in Pakistan

7.2.1 Number of Seminaries

NACTA's former National Coordinator's statement about Pakistan's inability to determine the exact number of seminaries is not without merit. Therein exists one of the biggest issues with seminary regulation, because the authorities are unclear as to how many madrassas operate in the country. According to the Ministry of Religious Affairs and Interfaith Harmony, which happens to work in close coordination with Ittehad-e-Tanzeemat-e-Madaris Pakistan (ITMP)², claims there are 26,131 madrassas in its record. The breakdown is 14,768 madrassas in Punjab, 7,118 in Sindh, 2,704 in Balochistan, 1,354 in KP and 187 in Islamabad. Unregistered madrassas are a different story altogether, as the Ministry of Religious Affairs claims there are 4,135 unregistered madrassas in KP, 2,411 in Punjab, 1,406 in Sindh, 266 in Balochistan, and 31 in Islamabad.³ The primary reason for lack of registration compliance of these madrassas is differences with the government over curriculum and beliefs.

¹ Questions and Oral Answers, 28th session of the National Assembly. (2016, January 15). Retrieved March 15, 2016, from http://www.na.gov.pk/uploads/documents/questions/1452850149_459.pdf.

² ITMP is an umbrella organization of madrassas or seminaries. This is one of the two bodies that keeps tracks of the number of seminaries, the other being the Ministry of Religious Affairs.

³ Ghiskori, Z. (2015, January 25). Reforming madrassas: The revolution within - The Express Tribune. Retrieved March 23, 2016, from <http://tribune.com.pk/story/825216/the-revolution-within/>

However, ITMP itself counts 35,377 registered seminaries alone, schooling some 3.5 million children. This number is broken down into 13,000 registered madrasahs operating in Balochistan, 16,000 in Punjab, 3,136 in Khyber-Pakhtunkhwa (KP), 2,800 in Sindh and 401 in Islamabad.⁵

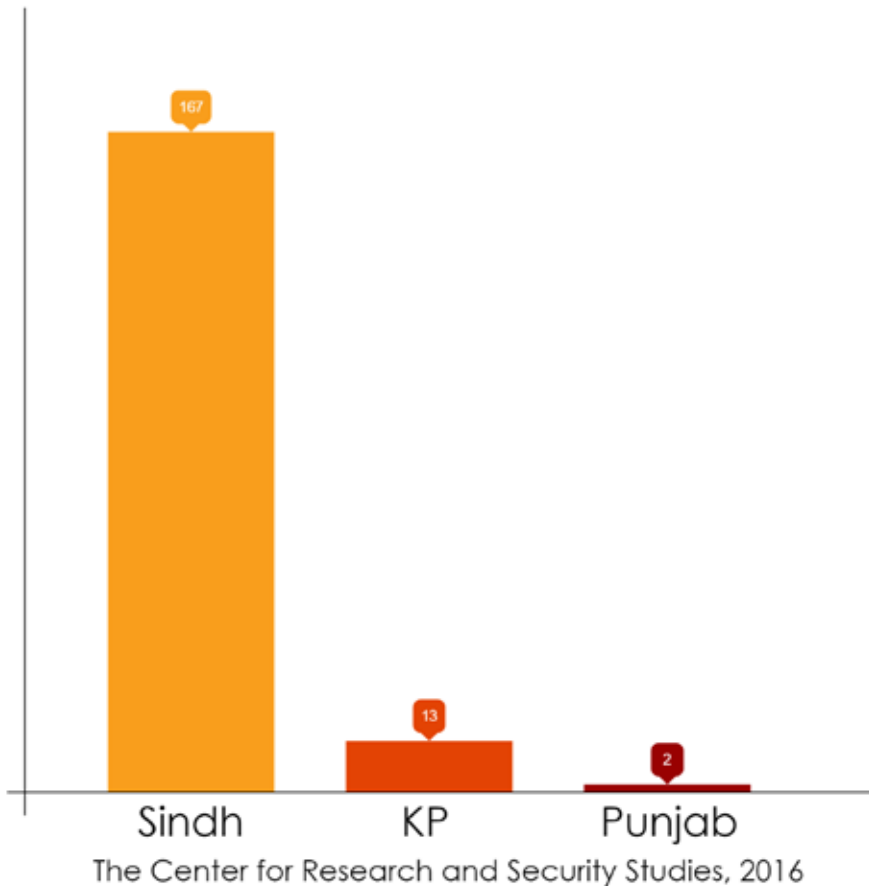
This confusion was only exacerbated in October 2015, when the National Internal Security Policy (NISP) 2014-2018 was instituted. Subsequently 26,000 madrasahs were found registered and 15,000 left to be registered. In KP 26% of seminaries are allegedly not registered. Punjab has 6,000 registered seminaries out of 12,000, Sindh has 6,503 registered seminaries over 9,590 in total. Islamabad has 446 registered seminaries over 633 in total. The rounded nature of these figures is especially curious.

To state the obvious, the mechanism for the registration and documentation of seminaries is the first step. Regulation and reform of these institutions comes at a later stage. It is also important to understand why 3.5 million children in Pakistan attend seminaries, and the history of seminary reform.

7.2.2 Government Progress

In June 2015, the former National Coordinator of NACTA Hamid Ali Khan declared that the government failed to determine the exact number of religious seminaries in country.⁴ The Ministry of Interior and Narcotics Control presented a report in the National Assembly in January, 2016. According to that report a uniform registration and data form had been developed jointly by NACTA and the ITMP and has been dispatched to the concerned provincial and federal security institutions for seeking their opinion. Further, the report asserts that 182 madrasahs have been shut down, 167 in Sindh, 13 in the Khyber Pukhtunkhwa and 2 in Punjab.²

⁴ Khan, A. (2015, June 02). Fresh revelations: Anti-terror plan fails to achieve goals - The Express Tribune. Retrieved March 23, 2016, from <http://tribune.com.pk/story/895997/fresh-revelations-anti-terror-plan-fails-to-achieve-goals/>.

Graph 7.1 Number of Seminaries closed by the Government

In order to expand learning system in seminaries, an Islamic Education Commission was set up by the Minister for Religious Affairs and Interfaith Harmony in August 2015.⁵ For the appropriate execution of the NAP, the government also conducted a meeting with the leaders of religious madrassas of different sects in September 2015. The highlights of the meeting are as follows:

- Prime Minister requested officials to support the registration and regulation of seminaries.
- A consensus among the governments and clergy was maintained over seminaries reform.

⁵ Ali, K. (2015, August 13). Education commission proposed to reform seminaries. Retrieved March 23, 2016, from <http://www.dawn.com/news/1200180>.

- Interior minister articulated that the government will formulate some strategic plans for the funding coming from overseas.
- The presence of Chief of army staff (COAS) in meeting was appreciated.
- Religious scholars criticized government for its scrutiny system of madrassas and declared that there is no difference between madrassas and formal education institutes.⁶

The government and delegates of seminaries mutually decided that the seminaries would maintain their financial dealings via banks. The seminaries decided to include modern subjects in their syllabus comprising of O/A level. A committee was established under the control of interior minister. The committee comprise of education ministries of federal and provincial level and ITMP for registration of seminaries.⁷

In order to control the financial transactions of seminaries, the government of Punjab has decided to propagate an ordinance. A draft of the Proposed Charities Act 2015 was set up in this regard,⁸ which requires all transactions to be conducted through a bank.⁹

Geo-tagging of madrassas was carried out in September 2015 under the umbrella of the NAP. Mapping of madrassas has been completed in Punjab, Islamabad Capital Territory, and Azad Kashmir.¹⁰ Sindh Home Secretary stated that a total of 3,662 madrassas were included from Sindh in geo-tagging. 6,503 seminaries have been found registered out of 9,590. The number of students enrolled in unregistered seminaries in Sindh alone is 517,695.¹¹

⁶ Abrar, M. (2015, September 08). With army chief on table, PM brings clergy on board. Retrieved March 23, 2016, from <http://www.pakistantoday.com.pk/2015/09/08/national/with-army-chief-on-table-pm-brings-clergy-on-board/>.

⁷ Mukhtar, I. (2015, September 08). Madrassas agree on funds through banks. Retrieved March 23, 2016, from <http://nation.com.pk/editors-picks/08-Sep-2015/madrassas-agree-on-funds-thru-banks>.

⁸ The News. (2015, September 18). Punjab to bring law for regulating funding of seminaries, NGOs. Retrieved March 23, 2016, from <http://www.thenews.com.pk/Todays-News-13-39733-Punjab-to-bring-law-for-regulating-funding-of-seminaries-NGOs>.

⁹ Hanif, I. (2015, September 09). Punjab drafts bill on charities surveillance. Retrieved May 06, 2016, from <http://www.dawn.com/news/1205820>.

¹⁰ Ghumman, K. (2015, April 10). 30 seminaries closed, says minister. Retrieved February 23, 2016, from <http://www.dawn.com/news/1199516>.

¹¹ Staff Report. (2015, September 10). Country's one-third madrassas now under radar. Retrieved February 23, 2016, from <http://www.pakistantoday.com.pk/2015/09/10/national/countrys-one-third-madrassas-now-under-radar/>.

7.3 Understanding Seminaries

7.3.1 Schools of Thought

In Pakistan, there are specifically five types of seminaries¹²:

Name	Sub-sect	Place	Date of establishment
Wafaq-ul-Madaris-al-Salafia	Ahl-e-Hadith	Faisalabad	1955
Wafaq-ul-Madans Pakistan	Shia	Lahore	1959
Wafaq-ul-Madaaris	Deobandi	Multan	1959
Tanzeem-ul-Madaaris	Barelvi	Lahore	1960
Rabta-tul-Madaaris-al-Islamia	Jamaat-e-Islami	Lahore	1983

Each of these offers a school of thought that varies along a few key parameters. i.e. they are not homogenous. However, data suggests that those that attend seminaries in Pakistan primarily do that for economic reasons, not religious ones.

7.3.2 A Brief History

Initially, madrassas were centers of education, both religious and secular. They earned the title of “trust institutions” over time, as they provided social services to poor families, such as food, shelter, clothing and free education. It must be stated that part of the reason for rise in seminary education and housing was the state’s failure to address basic needs for the population. Parents, who made less than two dollars per day, started seeing madrassas as a beacon of hope, a way to help the family survive, where their children could learn to read, write, and also be clothed, fed and have a roof over their heads.

This is the central argument upon which rests the severe backlash from the religious right, whenever the state of Pakistan attempts to regulate seminaries. However, as with everything else, the scope and scale of madrassas also morphed over time.

Over the course of time, funding became an issue, as madrassas expanded. There was overt involvement of various Muslim states in the financial backing of religious seminaries. A Wikileaks cable suggests that an estimated \$100 million made its way annually from Gulf States to seminaries in Pakistan. Ostensibly, this is to support continued religious education and social services. But analysts have long

¹² Shabir, G., Abbasi, S. M., & Khan, A. (2012). Pakistan Journal of Social Sciences, 32(1), 2012th ser., 147-156. Retrieved March 23, 2016, from http://www.bzu.edu.pk/PJSS/Vol32No12012/Final_PJSS-32-1-11.pdf.

suspected militancy ties.

7.3.3 Militant Connection?

The idea that madrassas are “incubators of violent extremism” took hold after 9/11, and the US also pressured General Pervaiz Musharraf to do something about the schools. While several reports, including the Annual Status of Education Report Pakistan, claim that there is no connection between seminaries and militancy, several facts work against this notion.

The most overt and public display of the strength of madrassas was the Red Mosque standoff in 2007, where armed students engaged in a hostile and bloody standoff with state authorities for several days. Further, both the NAP and the NISP call for registration, regulation and reform of madrassas, a tacit acceptance that there lies a problem.

Further a Brookings Institute research in 2010 claimed that 82% of students in Deobandi seminaries see the Taliban as role models. Another Brookings Institute report claims that the real problem lies in a handful of hardline seminaries.¹³ Finally, the government has disclosed that nearly 80 working seminaries in Pakistan are getting foreign monetary aid up to rupees three hundred million.¹⁴

7.4 History of Seminary Reforms

Previously, many madrassas were registered under the Societies Act 1860. Later in 1994, the registration of madrasas was prohibited in the regime of Benazir Bhutto. “Model Deeni Madrassa Ordinance” was issued following the Musharraf regime in 2001, post 9/11, but it was rejected by the overarching body for the five schools of thought. “Madrassa Regulatory Ordinance” was issued by the government next and ban on madrassa’s registration was raised ultimately under the notification No # 40/30/99/P11-20.¹¹

All things considered, this is not the first time Pakistan has attempted to register seminaries, and the backlash is nothing new.

¹³ Winthrop, R., & Graff, C. (2010, June). Beyond Madrasas: Assessing The Links Between Education And Militancy In Pakistan. Retrieved February 23, 2016, from http://www.brookings.edu/~media/research/files/papers/2010/6/pakistan-education-winthrop/06_pakistan_education_winthrop.pdf.

¹⁴ Ghiskori, Z. (2015, January 29). Year 2013-14: 80 seminaries received Rs300m in foreign aid - The Express Tribune. Retrieved February 23, 2016, from <http://tribune.com.pk/story/829407/year-2013-14-80-seminaries-received-rs300m-in-foreign-aid/>.

7.5 Funding / Financing of Seminaries

A handful of Pakistan's madrassas have been exploited by internal and external actors for their own regional, religious or regulatory interests.

To review the implementation of the NAP, a meeting was organized in January, 2015. The object of discussion in meeting was the scrutiny of foreign funding for religious seminaries explicitly coming from Middle Eastern countries.¹⁵ The government has disclosed that nearly 80 working seminaries in Pakistan are getting foreign monetary aid up to rupees three hundred million.¹³

Minister of State for Federal Education, Professional Training, Interior and Narcotics Control Baleeghur Rahman claimed that 12 madrassas in KP were getting foreign aid. Likewise, two madrassas in Sindh and nine in Balochistan received foreign funding. According to the information provided by the provincial governments by January 31, 2015, there are a total of 23 religious seminaries receiving foreign funding.¹⁶

Muslim countries had been providing financial support to nearly 234 madrassas in the province of Balochistan until February 2015.¹⁷ In March, 147 seminaries of Punjab were reported involved in receiving foreign financial funding.¹⁸

Up until December 2015, only 23 religious seminaries were reported as receiving foreign funding in the provinces of KP, Sindh and Balochistan. The province of Punjab was excluded upon the denial of Inspector General of Punjab Police (IGP).¹⁹

The financing system of madrassas added to the troublesomeness of proposed reforms. The country has a large shadow economy, and the madrassas are just a part of it. They function through cash couriers, charity seeking initiatives, rather making transactions through banks. The Financial Monitoring Unit (FMU) is an entity authorized with the scrutiny of money laundering and terror financing.

¹⁵ Ghumman, K. (2015, January 14). Govt ponders over issue of madressah financing. Retrieved March 23, 2016, from <http://www.dawn.com/news/1156907>.

¹⁶ Khan, I. A. (2015, January 31). Only 23 seminaries receiving foreign funding: Minister. Retrieved March 23, 2016, from <http://www.dawn.com/news/1160627>.

¹⁷ Ghiskori, Z. (2015, February 20). 234 madrassas in Balochistan receive foreign cash: Official - The Express Tribune. Retrieved March 23, 2016, from <http://tribune.com.pk/story/841298/countering-extremism-in-balochistan-234-madrassas-receive-foreign-cash-official/>.

¹⁸ Haider, I. (2015, March 04). IGP report reveals 147 foreign-funded seminaries in Punjab. Retrieved February 16, 2016, from <http://www.dawn.com/news/1167339>.

¹⁹ Bhatti, M. W. (2015, December 09). Rangers have to seek Sindh CM's nod before political arrests. Retrieved March 23, 2016, from <http://www.thenews.com.pk/print/80719-Rangers-have-to-see-Sindh-CMs-nod-before-political-arrests>.

Please see section [3.3.7 Terror Financing – Steps](#).

7.6 Obstacles

The International Crisis Group (ICG) presented a report in this respect called *Unfulfilled Promises*. The report indicated that the intolerance and religious prejudice in Pakistan is because of the government's reluctance to act in contradiction of its political associates among the religious groups.²⁰ This politicization and political affiliation of seminaries is another reason why the state is often compelled to delay or suspend attempts at reforms.

The government of Pakistan failed to prohibit the admission of foreign students to the madrassas of Deobandi sect in February 2015.²¹ It may also be difficult to take the matter seriously when prominent politicians from the most populated province housing the largest number of unregulated and unregistered seminaries believes wholeheartedly that there is zero connection between seminaries and militancy.²²

In March 2015, former Council of Islamic Ideology (CII) chairman Dr. Khalid Masud found mistrust among religious seminaries and the government as the foremost problem to seminaries reforms.²³

7.7 Conclusion

Government reluctance, pressure from the religious right, and internal blame gaming also delay and derail the process, which seems especially impeded since August 2015. The fact that Abdul Aziz, responsible for the Red Mosque standoff in 2007, heads 27 madrassas in Punjab with 5,000 students under his supervision is indicative of government ineptitude on this front. There also exists no timeline for the registration process, and the specific roles between the Interior and Religious

²⁰ ICG. (2004, January 16). *Unfulfilled Promises: Pakistan's Failure to Tackle Extremism*. Retrieved February 23, 2016, from <http://www.crisisgroup.org/en/regions/asia/south-asia/pakistan/073-unfulfilled-promises-pakistans-failure-to-tackle-extremism.aspx>.

²¹ Ali, K. (2015, February 15). *Seminaries oppose govt move to ban foreign students*. Retrieved February 17, 2016, from <http://www.dawn.com/news/1163707>.

²² APP. (2015, April 25). *No militancy in Punjab seminaries: RanaSanaullah*. Retrieved March 23, 2016, from <http://www.dawn.com/news/1202771>.

²³ News Desk. (2015, March 24). *Mainstreaming madrassas: Call for registration of seminaries with education departments - The Express Tribune*. Retrieved March 23, 2016, from <http://tribune.com.pk/story/858401/mainstreaming-madrassas-call-for-registration-of-seminaries-with-education-departments/>.

Affairs Ministry are unclear. Pakistan has not even begun to address the inclusion of sciences, English and other subjects in the seminary curriculum.

All things considered, the registration, regulation and reform of madrassas is treating the symptoms. The root cause is the inability for the Pakistani government to provide free education, access to basic social services, and employment opportunities upon graduation. The seminary problem is large enough now that it needs to be dealt with properly, but until the root cause is addressed, this problem will only continue to exacerbate.

PART 8: REFUGEES AND IDPS

8.1 Introduction

Our eighth theme focuses on displaced persons in Pakistan, both from Afghanistan and internally. This corresponds to points [#12](#) and [#19](#) in the NAP.

Altogether Pakistan accounts for between 5-6 million forcibly displaced persons, both refugees and internally displaced.

8.2 Refugees

8.2.1 Refugees - Numbers

The United Nations High Commissioner for Refugees estimates 1,554,910 registered Afghan refugees in Pakistan.¹ This is still the world's largest refugee population and the validity of this figure is linked with the Proof of Registration Card (PRC), an identity document issued by the National Data Registration Authority (NADRA). Since 2002, some 3.8 million Afghan refugees have returned to their home country. Additionally, some 58,211 repatriated back to Afghanistan in 2015.

This figure does not account for unregistered Afghan refugees in the country. The UNHCR believes that any other Afghan citizens living in Pakistan – all those not in possession of PRCs – are in fact migrants and not refugees. This definitional semantic can affect treatment of Afghans on Pakistani soil.

According to the UNHCR, refugees are people outside their country of origin because of feared persecution, conflict, violence, or other circumstances that have seriously disturbed public order, and who, as a result, require 'international protection'.² Refugees are forced to flee to save their lives or preserve their freedom. On the other hand, migrant is a wide-ranging term that covers people who move to a foreign country for a certain length of time - not to be confused with short-

¹ UNHCR. (2016, January 01). UNHCR Pakistan Fact Sheet - December 2015. Retrieved March 03, 2016, from <http://www.unhcr.org/5000210e9.pdf>.

² UNHCR. (2016, March 16). 'Refugees' and 'Migrants'- Frequently Asked Questions (FAQs). Retrieved May 06, 2016, from <http://www.unhcr.org/56e95c676.html>.

REFUGEES AND IDPS

NAP Point 12: Administrative and development reforms in FATA with immediate focus on repatriation of IDPs.

NAP Point 19: Formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with registration of all refugees.

term visitors such as tourists and traders. People migrate for a variety of reasons.

Migrants choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons. Unlike refugees who cannot safely return home, migrants face no such impediment to return. If they choose to return home, they will continue to receive the protection of their government.

It is estimated that somewhere between 1-2 million unregistered Afghans live in the country.³

In addition, there are a few hundred Somali refugees in the country.¹

8.2.2 Refugees – Regional Distribution

As of 2012, 85% of the refugees are Pashtuns, while the remaining 15% comprise Uzbeks, Tajiks and other ethnic groups. Khyber Pakhtunkhwa hosts the largest Afghan Refugees population (62.1%), followed by Balochistan (30.3%), Punjab (4.2%), Sindh (4.2%), Islamabad (2%) and Azad Kashmir (0.4%).⁴

The registration process was initiated in 2006 and the PRCs have been extended six times over the last several years. The last validity of PRCs was until December 2015. On January 12, 2016, this date was extended to June 30, 2016⁵, although rights-based groups such as Human Rights Watch have urged the government to extend this to December 31, 2017.⁶ Bear in mind that in September 2015, Pakistan had confirmed to UNHCR that the PRCs would be extended by two years, not six months.⁷ The most desirable solution for dealing with refugees is, in order of preference: a) repatriation, b) assimilation, c) resettlement to another country.

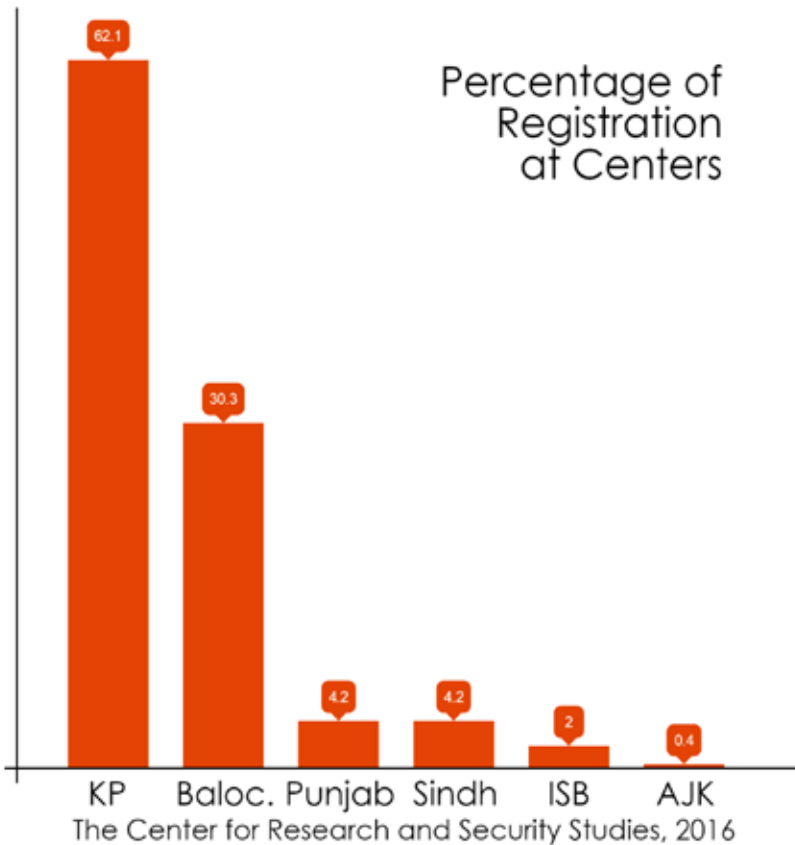
³ Rehman, Z. (2016, January 05). With no decision on Afghan refugees, only a letter stands between them and jail. Retrieved March 03, 2016, from <http://www.thenews.com.pk/print/86367-With-no-decision-on-Afghan-refugees-only-a-letter-stands-between-them-and-jail>.

⁴ UNHCR. (2011, November 30). Registered Afghan Population in Pakistan - 2010-2011. Retrieved December 28, 2015, from <http://unhcrpk.org/wp-content/uploads/2012/04/Registered-Afghan-Population-in-Pakistan.pdf>.

⁵ Ali, Z. (2016, January 14). PM grants six-month extension to Afghan refugees. Retrieved March 24, 2016, from <http://www.dawn.com/news/1232892/pm-grants-six-month-extension-to-afghan-refugees>.

⁶ Human Rights Watch. (2016, January 16). Pakistan: Extend Afghan Refugee Status Through 2017. Retrieved January 25, 2016, from <https://www.hrw.org/news/2016/01/16/pakistan-extend-afghan-refugee-status-through-2017>.

⁷ Shahid, S. (2015, September 10). Afghan refugees' PoR cards to be extended till 2017. Retrieved March 03, 2016, from <http://www.dawn.com/news/1206055>.

Graph 8.1 Number of Afghan Refugees and Regional Distribution

8.2.3 Refugees – Current Status

A tripartite commission including Afghanistan, Pakistan and the UNHCR was set up in early 2015. So far, the commission has held two meetings, first in Islamabad (March 2015) and the second in Kabul (August 2015). One of the aims of the commission is to explore options for voluntary return of Afghan refugees from Pakistan.⁸

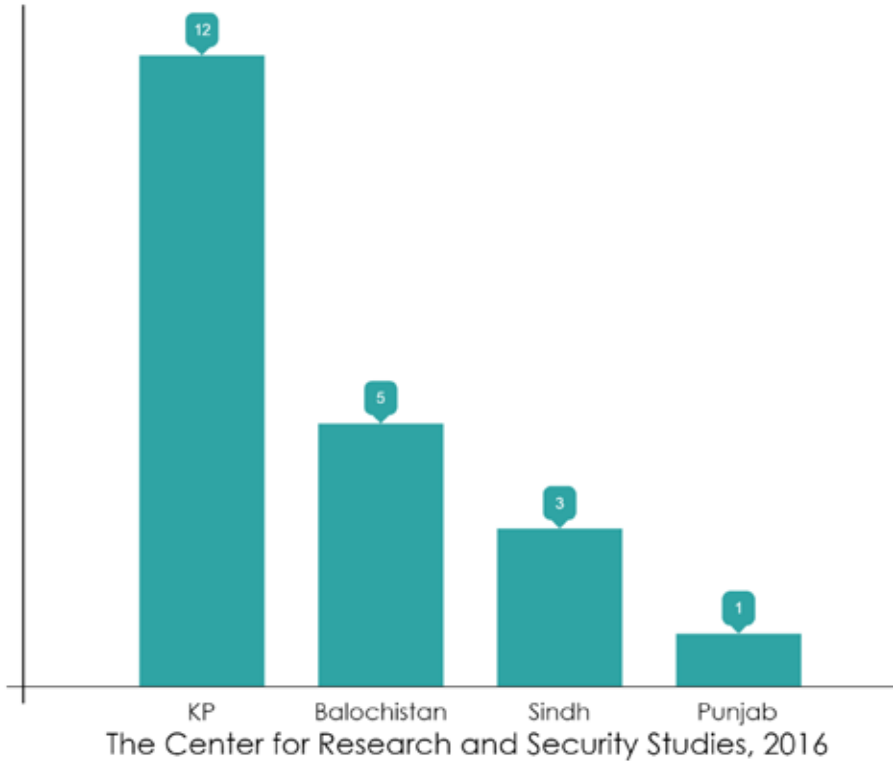
The Ministry of Interior and Narcotics Control presented a report in the National Assembly in January, 2016. According to that report 21 registration centers have

⁸ UNHCR. (2015, August 22). Afghanistan, Pakistan, UNHCR welcome new policies on Afghan refugees in Pakistan and returnees to Afghanistan. Retrieved March 17, 2016, from <http://www.unhcr.org/55dddc4a6.html>.

been established by NADRA for registration of undocumented migrants.⁹ However, the Interior Minister said, actual registration and repatriation is yet to commence. Of the 21 centers, 3 are in Punjab, 1 in Sindh, 12 in Khyber Pukhtunkhwa, and 5 in Balochistan.

It must be stated that these centers exist in name only, and were not operational during the review period of this report.

Graph 8.2 Locations of Registration Centers by NADRA



8.2.4 Refugees – Controversies

Since the atrocious APS attack, Pakistan changed its policy towards the Afghan refugees living in Pakistan. Dubious or suspect CNICs were blocked, resulting in 100,000 losing their Pakistani nationality in May, 2015.¹⁰

⁹ Questions and Oral Answers, 28th session of the National Assembly. (2016, January 15). Retrieved March 15, 2016, from http://www.na.gov.pk/uploads/documents/questions/1452850149_459.pdf.

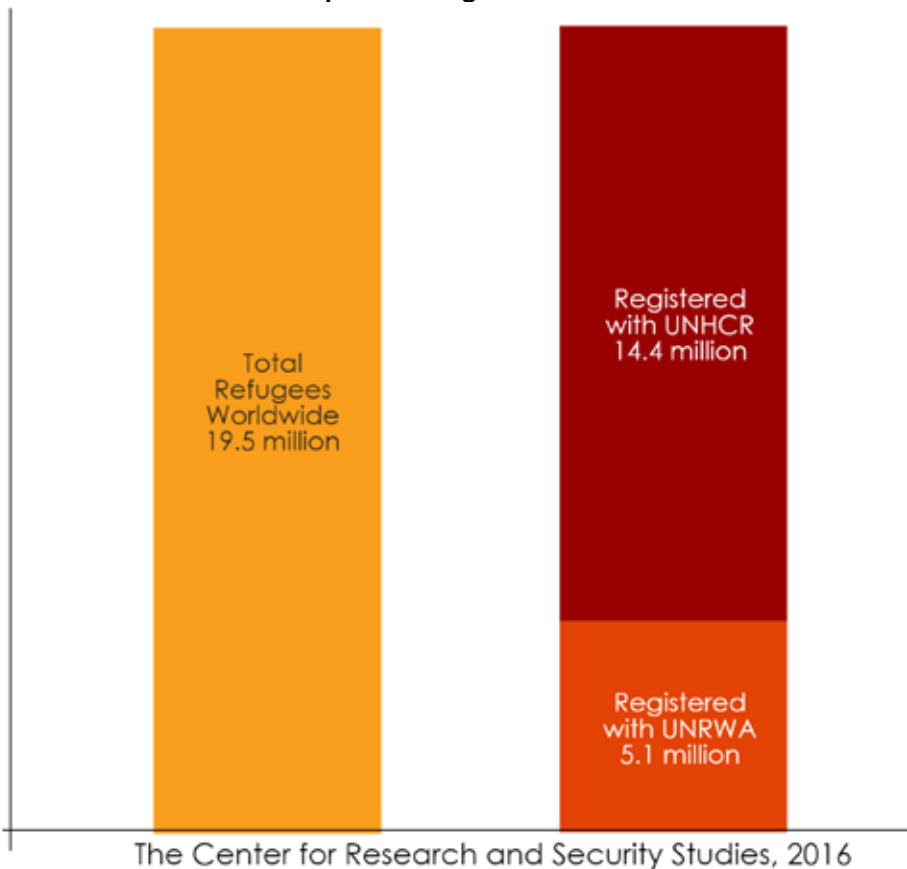
¹⁰ Tahir, Z. (2015, May 29). 100,000 Pakistanis lose nationality for being ‘suspect aliens’. Retrieved

The level of indecision regarding Afghan refugees and migrants reached such an impasse in January 2016, that the Ministry of States and Frontier Regions (SA-FRON) issued a circular to law enforcement agencies not to harass Afghans with expired PRCs.² This debacle was finally concluded when six days later Pakistan renewing the PRCs for six months.⁴

8.2.5 Refugees - Worldwide

UNHCR estimates 19.5 million refugees worldwide at the end of 2014. Of these, 14.4 million are under the UNHCR mandate. The remaining 5.1 million are registered with another UN agency, the United Nations Relief and Works Agency (UNRWA).¹¹

Graph 8.3 Refugees Worldwide



March 16, 2016, from <http://www.dawn.com/news/1184905>.

¹¹ UNHCR. (n.d.). UNHCR: The UN Refugee Agency - United Kingdom. Retrieved March 17, 2016, from <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>

Surpassing Afghanistan, Syria now has the largest refugee/migrant population in the world: a shocking 4,812,851 people displaced by war and strife.¹² Turkey hosts 2,715,789, Lebanon 1,067,785, and Jordan 636,040, among others.

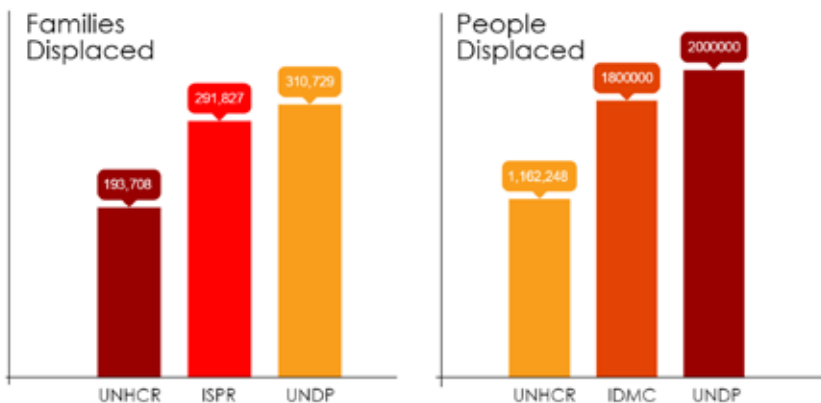
The third country with the largest originating refugee population is Somalia.

8.3 Internally Displaced Persons (IDPs)

8.3.1 IDPs - Numbers

At the end of 2015, 193,708 IDPs registered families (1,162,248 individuals) were internally displaced in and off camps in the KP province and the Federally Administered Tribal Areas (FATA).¹ However, the Internal Displacement Monitoring Center estimates roughly 1.8 million IDPs in Pakistan, significantly higher than the registered individuals with UNHCR. UNDP estimates them to be around 2 million people, from 310,729 families.¹³ Interestingly, in the briefing given to the National Assembly in January, 2016, despite being a part of NAP, there was no mention of IDP rehabilitation. This indicates the lack of government resolve and priority when it comes to IDPs.⁸

Graph 8.4 Discrepancies in Exact Number of IDPs



The Center for Research and Security Studies, 2016

¹² UNHCR. (n.d.). UNHCR Syria Regional Refugee Response. Retrieved March 17, 2016, from <http://data.unhcr.org/syrianrefugees/regional.php>.

¹³ FATA Secretariat. (2015, April 06). FATA Sustainable Return and Rehabilitation Strategy. Retrieved March 17, 2016, from http://www.pk.undp.org/content/pakistan/en/home/library/crisis_prevention_and_recovery/fata-sustainable-return-and-rehabilitation-strategy-.html.

8.3.2 IDPs - Causes

The primary causes of displacement include insurgency, counter-insurgency and other related violence. In June, 2014, Pakistan launched Operation Zarb-e-Azb, designed to root out militancy permanently from the Federally Administered Tribal Areas and adjoining regions. This has contributed greatly to the displaced persons crisis. History effectively repeated itself, as a similar operation in 2009 had also displaced some 3.4 million people.

Other causes include natural disasters such as floods and earthquakes.

8.3.3 IDPs – Rehabilitation Plans

“You know well that the 2016 is the year of finalising the Zarb-i-Azb operation and rehabilitation of IDPs,” said Finance Minister Ishaq Dar in early December. He also announced that a chunk of the Rs. 40 billion collected in taxes would be used to rehabilitate IDPs.¹⁴

The FATA Secretariat launched the FATA Sustainable Return and Rehabilitation Strategy in April, 2015.¹² This is a very comprehensive, well thought-out plan. The implementation of this strategy is the real challenge for the Secretariat. Rehabilitation formally began in March 2015, as the military gained control of towns within the operational areas. Four phases were intended to see the return of displaced persons:

- March 2015-July 2015
- August 2015-November 2015
- December 2015-March 2016
- April 2016-November 2016

The FATA Rehabilitation & Reconstruction Unit (RRU) conducted the surveys in Khyber and South Waziristan Agencies, and launched an initiative to rebuild destroyed homes. The army is also involved in extensive reconstruction projects in the region, but the exact scope and scale is unclear.

According to a joint report by World Food Program (WFP), Food and Agricultural Organization (FAO), the International Rescue Organization (IRO) and the Food Security Cluster, in collaboration with Fata Secretariat, 75,000 families had been rehabilitated.¹⁵ A few days later, an ISPR press release on December 19, 2015 stated

¹⁴ Husnain, K. (2015, December 02). Rs40bn fresh taxes to be spent on IDPs’ rehabilitation: Dar. Retrieved March 17, 2016, from <http://www.dawn.com/news/1223712>.

¹⁵ Usman, M. (2015, December 10). 75,000 IDP families rehabilitated, says report - The Express Tribune. Retrieved March 18, 2016, from <http://tribune.com.pk/story/1007253/safe-re->

that 291,827 families had been displaced as a result of the conflict, but 108,503 (38%) had returned to their homes.¹⁶

8.3.4 IDPs – Controversies

This does imply that 62% of the families are still displaced, and if their protestations are any indication, the system needs significant overhaul and oversight. In October 2015, tribal elders staged a protest in Peshawar, demanding early rehabilitation.¹⁷ In January, shortly following the Finance Minister's statements on rehabilitation, North Waziristan IDPs staged a protest, claiming that they had been given relief money for only 2 of the 19 months they had been displaced.¹⁸ Yet another protest followed two weeks later, on January 19, 2016.¹⁹ This is the tail end of dozens of protests since January 2015.²⁰

8.3.5 IDPs - Worldwide

Estimated figures for IDPs were about 38.2 million who were forcibly uprooted within their own country. This includes 7.6 million IDPs from the Syrian Arab Republic, 3.5 million from Iraq, 805,000 from Afghanistan, 155,000 from Mali, 611,000 from the Central African Republic, 200,000 from South Sudan, and 85,000 from Yemen.¹⁰

8.4 Refugees - Worldwide

On June 18, 2015, UNHCR revealed that the total worldwide refugee (including IDPs) population was higher than that in World War II. Put another way, that's one in every 120 people worldwide. Put yet another way, that's roughly the equivalent of the entire population of the United Kingdom, or Italy or South Africa being pushed out of their homes. This figure includes internally displaced persons as well.

turn-75000-idp-families-rehabilitated-says-report/.

¹⁶ ISPR. (2015, December 19). Bara Release No PR390/2015-ISPR. Retrieved March 17, 2016, from https://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2015/12/19.

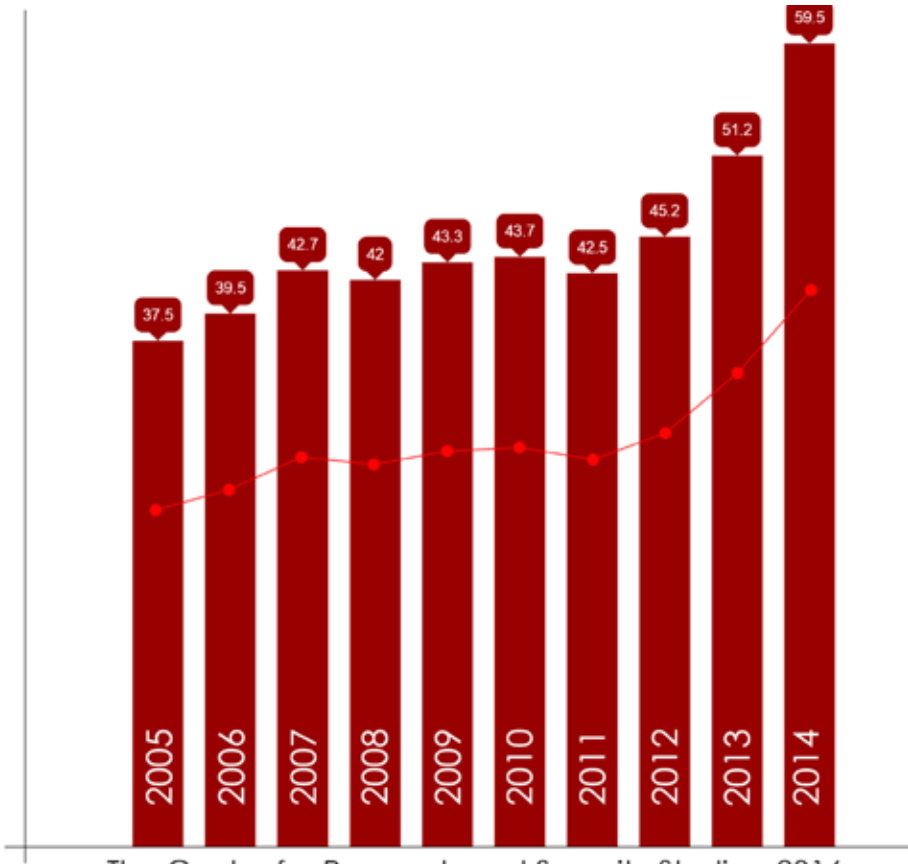
¹⁷ Bureau Report. (2015, October 27). Protesting IDPs demand early rehabilitation. Retrieved April 03, 2016, from <http://www.dawn.com/news/1215686>.

¹⁸ Correspondent. (2016, January 07). Show me the money: NWA IDPs demand arrears from govt - The Express Tribune. Retrieved March 17, 2016, from <http://tribune.com.pk/story/1023233/show-me-the-money-nwa-idps-demand-arrears-from-govt/>.

¹⁹ Correspondent. (2016, January 19). Never-ending ordeal: IDPs demand govt speed up repatriation - The Express Tribune. Retrieved March 23, 2016, from <http://tribune.com.pk/story/1029984/never-ending-ordeal-idps-demand-govt-speed-up-repatriation/>.

²⁰ Shah, S. (2015, January 27). Bara IDPs end protest as return plan announced. Retrieved May 06, 2016, from <http://www.thenews.com.pk/print/20754-bara-idps-end-protest-as-return-plan-announced>.

Graph 8.5 Refugees Worldwide in the Last Decade (in millions)



The Center for Research and Security Studies, 2016

8.5 OPINION: IDPs, Refugees and The National Action Plan by Imtiaz Gul

The 20-point National Action Plan (NAP) on counter-terrorism promises administrative and development reforms in FATA with immediate focus on repatriation of IDPs (point 12) and Formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with registration of all refugees (point 19).

Both the refugees and the IDPs - found place in the NAP because the civilian and military authorities viewed them as part of Pakistan's security crisis as well as a source of shelter and support for terrorist networks. Regardless of the veracity or correctness of these claims and apprehensions, the displaced populations – both locals and foreign – , particularly those not documented , do represent operational and management hazards. They can easily serve as conduits – offering shelter and support for all those non-state actors who are involved in cross-border terrorism.

That is why the double “R” i.e *resettlement* of the IDPs and *repatriation* of Afghan refugees, continue to remain an essential part of the conversation on the national security.

Status of IDPs

In September 2014, the Ministry of Foreign Affairs directed various government departments particularly the Disaster Management Authority to replace the term Internally Displaced Persons (IDPs) with “Temporarily Dislocated/Displaced Persons. The ministry was of the opinion that the term ‘IDP’ is used only for people displaced due to war or occupation of their area²¹.

By mid-December 2015, according to an ISPR statement, nearly 40 per cent of the Internally Displaced Persons (IDPs) had returned to their homes.²²

During a briefing to Chief of Army Staff (COAS) Gen. Raheel Sharif, the formation commander of North Waziristan informed that around 291,827 families were internally displaced due to the Zarb-e-Azb operation. Nearly 108,503 families had returned to their homes by mid-December.

The repatriation process, carried out under the supervision of the FATA Disaster Management Authority, Pakistani Army and the government, started off in March

²¹ Ali, Z. (2014, September 13). Call IDPs temporarily dislocated persons, govt agencies told. Retrieved May 06, 2016, from <http://www.dawn.com/news/1131711>.

²² (2015, December 19). 40% IDPs returned to North Waziristan, COAS told. Retrieved May 06, 2016, from <http://nation.com.pk/national/19-Dec-2015/40-idps-returned-to-north-waziristan-coas-told>.

2015,— shortly after areas in Orakzai Agency, South Waziristan, Khyber Agency, Kurram Agency and North Waziristan were de-notified.²³

About 350 areas were de-notified between 2011 and 2015,”according to official documents which claimed that about 40 areas of North Waziristan had also been cleared.²⁴

According to official documents, the IDPs from Khyber Agency, Kurram Agency, Orakzai Agency and Frontier Regions (FR) Tank total about 54 864 families. The number of displaced families from North and South Waziristan agencies stood at around 70,000 families (490,000 persons).²⁵

Out of 203,181 IDP families, 200,734 had been living in host communities, and nearly 99% of the IDPs have been putting up in and around Peshawar, DI Khan, Hangu, Khyber, Kohat, Kurram, Nowshera, Tank and Bannu. IDPs from Khyber Agency are staying in Jalozai camp in Nowshera.

IDPs Resettlement Problems

Return of IDPs (or TDPs) however appears to be a formidable challenge. Background interaction with officials of various departments looking after the TDPs reveals that displaced people will not be able to return to their native homes in year 2016, claiming the civil administration lacked the capacity to reconstruct the damaged infrastructure. Only 20 officials of Tribal Electric Supply Company (Tesco) are available to restore the electricity system in North Waziristan, where electricity poles and transmission lines have been blown up by militants or were damaged due to military operation.²⁶

The army together with the political administration, have been surveying the cleared regions and conducting damage assessments allowing locals to return in small batches after due documentation. The process, however, has been extremely slow. Inadequate financial resources, and delays in release of funds for the repair of the damaged infrastructure, including private homes, stand out as a major hurdles .

“Why the displaced persons are not invited to start travelling to their native villages when 95 percent of the area is claimed to have been cleared? Should they

²³ (2016, October 08). IDPs returning as areas get denotified. Retrieved May 06, 2016, from <http://tribune.com.pk/story/969227/idps-returning-as-areas-get-denotified/>.

²⁴ Ibid

²⁵ Khattak, I. (2015, December 23). Slow rehab work delaying TDPs return to homes. Retrieved May 06, 2016, from <http://nation.com.pk/islamabad/23-Dec-2015/slow-rehab-work-delaying-tdps-return-to-homes>.

²⁶ Ibid

wait for the compensation money?” Mr. Nazir Khan (MNA from North Waziristan) questioned, according to *The Nation*.²⁷

“They can be given the amount when they return to homes,” the MNA suggested. Mr. Khan said that Mirali Bazaar has been razed to the ground and new buildings were currently being constructed. “Owners of shops that have been razed will not get the ownership of the new constructions. Instead, new bidders will get the ownership?” the lawmaker asked and expressed his deep concern that this could lead to a lot of unrest amongst the locals. But a SAFRON official, who spoke on condition of anonymity, offered a conflicting account and said that according to tribal customs, the roads and bazaars are property of the state that can be given to anybody on the will of the state (political administration), the paper said.

This means non-agreement on the mode, timing and level of financial assistance remain serious challenges. Yet, the Federal Minister for SAFRON Lt Gen (ret.) Abdul Qadir Baloch informed the National Assembly that the complete return of IDPs will be ensured in December 2016.

Another big obstacle for voluntary return and revival of normal life is the missing will of relevant stakeholders for **political reforms** in the Federally Administered Tribal Areas (FATA). The special status under the draconian *Frontier Crimes Regulations (FCR)* continues to blot and block socio-political development of these regions.

The abolition of this status, observers agree, is crucial to sustain gains in the counter-insurgency, Zarb-e-Azb operation. While the operation has established the state writ in most parts of FATA, it cannot be expected to herald democratic governance structures. Operation Zarb-e-Azb certainly provides the much-needed opportunity for political reforms and integration of tribal areas for which the federal government shall have to garner the support within the national parliament.

Afghan Refugees

The United Nations High Commissioner for Refugees (UNHCR) estimates that there are currently 1.5 million registered Afghan refugees in Pakistan. The validity of this figure is linked with the “Proof of Registration Card (PoRC),” an identity document issued by the National Data Registration Authority (NADRA).²⁸ The PoRCs issued to Afghan refugees, have meanwhile been extended from December 31, 2015 to December 31, 2017.

²⁷ *ibid*

²⁸ CRSS, (2015, November 10). Remarks by UNHCR official at Pak-Afghan Civil Society Track 1.5/2 Meeting. Retrieved May 06, 2016. crss.com.pk.

Currently, some 32% of the refugees live in 54 existing camps, while the rest 68% reside in urban areas. A UNHCR research carried out in 2010-11 through which almost 1 million refugees were surveyed found out that out of the legal Afghan refugees, 23% are economically active. Out of this 23% some 85% are male. Amongst these economically active refugees, 55% are daily wage workers, about 22% have businesses or are self-employed and about 19% are salaried.

It is important to understand that any other Afghan citizens living in Pakistan – all those not in possession of “Proof of Registration Cards” - are in fact *migrants* and not *refugees*. Though all Afghans in this other category have access to UNHCR, yet their refugee status is determined if they qualify a certain criterion.

UNHCR does not provide direct financial support to the government of Pakistan for the needs of the Afghan refugees, yet it implements certain projects which contribute to improving lives of host communities in Pakistan.

According to António Guterres, UN High Commissioner for Refugees, UNHCR through its Refugees Affected and Hosting Areas (RAHA) initiative, has completed over 300 projects in different districts of Khyber-Pakhtunkhwa and Balochistan at a cost of \$175 million. He noted that more than 10.6 million people, including Afghan refugees and Pakistani nationals, have benefitted from these projects since the launch of RAHA initiative in 2009.²⁹

RAHA has been facilitating host and refugee communities in health, education, infrastructure, and livelihood sectors and the key objective of its programmes was to create cohesion between Afghan refugees and their host communities, the UN commissioner said.

To deal with the crisis for Afghan refugees in the aftermath of the attack on the Army Public School (APS), Peshawar (16 December 2014), a tripartite commission including Afghanistan, Pakistan and the UNHCR was set up in early 2015. Until December 2015, the commission has held two meetings, first in Islamabad (March 2015) and the second in Kabul (August 2015). One of the aims of the commission is to explore options for voluntary return of Afghan refugees from Pakistan.

The mechanism also calls upon full protection of Afghan refugees in Pakistan under international law. During the two meetings, Pakistani and Afghan governments agreed to devise specific country plans to resolve this crisis and eventually merging both plans into one unified framework – a comprehensive approach to address this challenge by combining forces and efforts.

²⁹ (2015, November 12). Over 56,000 registered Afghan refugees repatriated from Pakistan: UNHCR. Retrieved May 06, 2016, from <http://tribune.com.pk/story/990102/over-56000-registered-afghan-refugees-repatriated-from-pakistan-unhcr/>.

Though Pakistan is not a signatory of the 1951 UN Convention on Refugees, yet it is part of several related international frameworks. For instance, Pakistan is part of the “*Solution Strategy of Afghan Refugees*”, a framework endorsed by Afghanistan, Iran, UNHCR and Pakistan. The strategy explores various ways and possibilities to increase durable solutions for Afghan refugees.

Voluntary Return

Since 2002, UNHCR has facilitated voluntary return of almost 4 million refugees to Afghanistan. The organization provides support in the form of cash (upon arrival in Afghanistan UNHCR cash centres), ensuring safety of returning refugees as well as the possibility of carrying certain household items without custom duties into Afghanistan. The cash support provided is \$200 per person for the Afghan refugees, which means a returning family of 6 Afghan refugees is entitled to \$1200 upon arrival in Afghanistan.

In 2015 alone, the UN agency facilitated the repatriation of over 56,000 registered Afghan refugees from Pakistan to Afghanistan, making it the longest running voluntary return programme.

Afghan Refugees

Despite all the good work of UNHCR and the Pakistani government, Afghan refugees continue to remain on the receiving end. Many of them have to endure stricter scrutiny of their credentials, snap-checks by the police as well as para-military forces, or a witch hunt following a big terrorist or criminal incident.

Additionally, the Pakistani authorities simply raised the bar on Afghan refugees when they were mentioned in the NAP, and by implication singled out as one of the reason for insecurity and crime in Pakistan. This brought in a new wave of harassment for many refugees.

No long term solution is in sight particularly in view of the fact that nearly 60% of the registered Afghan refugees in Pakistan are under the age of 24 years. This means that most of them were born and raised in Pakistan and have limited links in Afghanistan. This represents a big challenge - as most young Afghan refugees are reluctant to go back to a country to which they have limited or no connection.

One of the possible solutions for the Pakistani government could be to grant citizenship to those refugees who are born in Pakistan; or devise a Permanent Residence scheme. While broad political consensus would be required together with a clear implementing legislation, this move would perhaps mitigate the burden on the government as well as the UNHCR, allowing full legal integration of a big chunk of the Afghan population that has been living in Pakistan for the most part of their

life and consider it their home.

Conclusion

Pakistan's National Action Plan identified Afghan refugees among the possible sources of insecurity, and resolved not only to work for their return to Afghanistan but also to expedite repatriation and rehabilitation of the IDPs. However, work on the ground does not match the sense of urgency reflected in NAP. The government of Pakistan keeps reiterating to ensure the "honourable return of Afghan refugees to their homeland" but hardly offers any durable solution for Afghans born and raised here. It could have followed examples of several other countries where "naturalization" or legal assimilation of immigrants constitute a core human rights principle.

Similarly, return of IDPs to FATA regions, and revival of normal life largely depends on whether those areas can be mainstreamed to pave way for extension of normal governance structures and the fundamental rights – as available to citizens in other parts of the country. None of these steps are visible as of January 2016 – and the absence of long-term solutions fails to reflect the urgency that NAP had expressed on these two challenging issues.

Both these issues will continue to haunt the state of Pakistan until the time that the government takes concrete steps which truly implement the National Action Plan - in letter and spirit.

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PART 9: CRIMINAL COURTS

CRIMINAL COURTS

NAP Point 20: Reforms in criminal courts system to strengthen the anti-terrorism institutions including provincial CIDs.

9.1 Introduction

Our ninth and final theme explores the final point in the NAP, reforms in the criminal courts system to facilitate better implementation of rule of law and speedier access to justice.

Our ninth and final theme explores the final point in the NAP, reforms in the criminal courts system to facilitate better implementation of rule of law and speedier access to justice.

One of biggest criticisms of Pakistan's fight against terrorism is its inability to prosecute and convict terror suspects. One solution, covered in chapter two of this report, is the parallel judicial system of the military courts. But even the military courts have managed to process only 40 cases over the course of 13 months.¹

Thus far, the only progress reported by the Interior Minister Chaudhary Nisar, in a briefing to the National Assembly on NAP progress in January 2016 states: "Provinces to submit proposals upon revamping criminal justice."² However, a month prior, Prime Minister Nawaz Sharif also created the Law Reform Committee.³

9.2 The Criminal Procedure Code of Pakistan

Code of Criminal Procedure, the most comprehensive bill on proceedings of criminal courts in Pakistan, contains all the procedures and provisions which are necessary to regulate the working of criminal law courts in the country. All criminal courts work under this act and it has a central role in the Pakistan legal system.

Criminal law in Pakistan and the procedural codes that are followed, are very different in their application from the criminal law that is followed in the developed world. Pakistan's criminal justice system needs to be understood in the context of the society and the region's history. Most of the criminal laws in Pakistan were introduced by the British Empire. The Code of Criminal Procedure (V of 1898) and the Penal Code (XL of 1860) both of which were implemented in the colony are

¹ Mukhtar, I. (2016, January 09). Military courts convicted 40 terrorists so far. Retrieved January 19, 2016, from <http://nation.com.pk/national/09-Jan-2016/military-courts-convicted-40-terrorists-so-far>.

² Questions and Oral Answers, 28th session of the National Assembly. (2016, January 15). Retrieved March 15, 2016, from http://www.na.gov.pk/uploads/documents/questions/1452850149_459.pdf.

³ (2015, December 01). PM sets up committee for legal reforms. Retrieved May 2, 2016, from <http://www.thenews.com.pk/print/77981-pm-sets-up-committee-for-legal-reforms>.

still by and large the prescribed statutes followed by the courts for criminal cases in Pakistan.

The shortfalls of PPC and CrPC are dire. Radical changes are required for revamping of the existing criminal justice system of Pakistan.⁴ Despite the growing urgency of reform, Pakistan's police, and indeed the whole criminal justice system, still largely functions on the mandate of "maintaining public order" rather than undertaking contemporary crime.⁵ In an analytical study of the criminal justice system in Pakistan, Sardar Hamza Ali says: "Our criminal justice system is not delivering due to multiple ailments that range from reporting of crime to the police, mal-practices during the course of investigation, preparation of report under section 173 of Cr.P.C. by the I.O., submission of *challan* in the court by the Public Prosecutor without application of his independent mind owing to his tied hands and subsequently trial at the mercy of the defense counsel. Each step has many slips and shorts at enforcement, judicial process and correction stages."

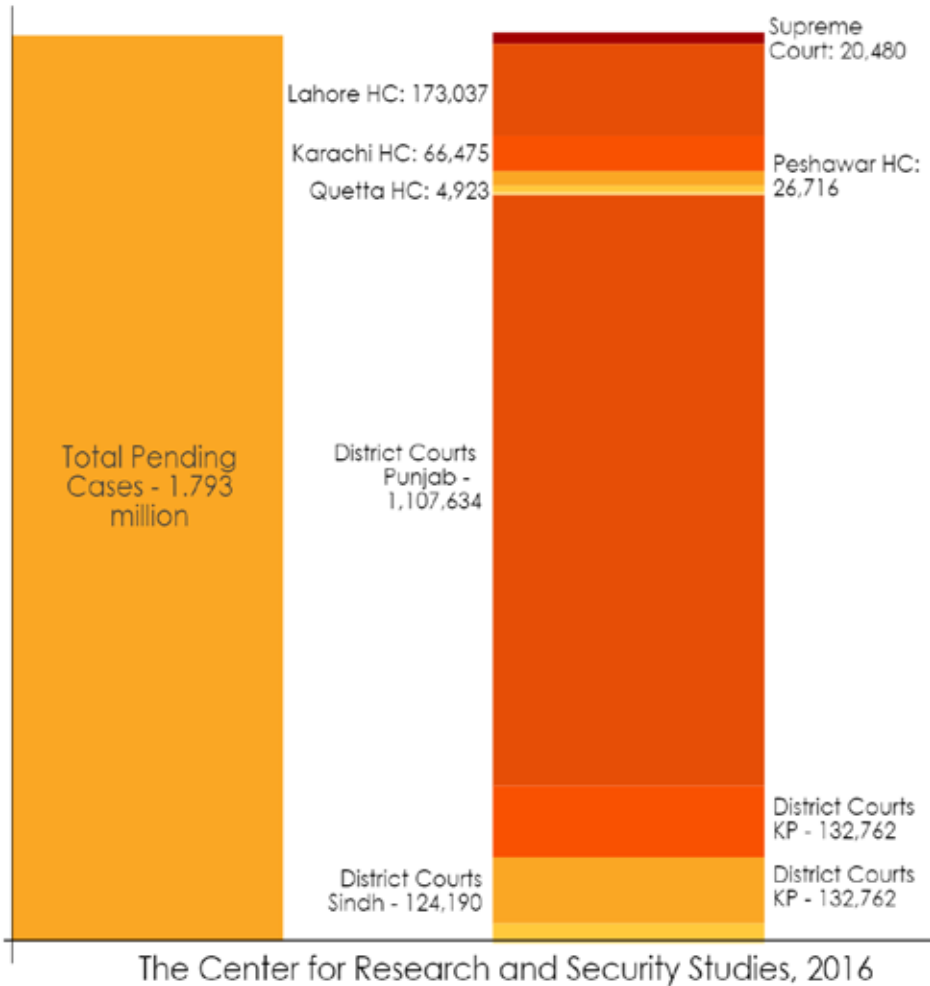
9.2.1 Pending Cases in Pakistan's Courts

In a report to the National Assembly in January, 2015, it was revealed that there are over 1.7 million cases pending in the apex and lower courts around the country.⁶ These figures are from 2013, and will have only increased with time.

⁴ Hamza, S. A. (2015). An Analytical Study of Criminal Justice System of Pakistan. *Journal of Political Studies*, 22(1), 2015th ser., 17-42. Retrieved March 03, 2016, from http://pu.edu.pk/images/journal/pols/pdf-files/2 - SARDAR ALI HAMZA_22_2015.pdf.

⁵ International Crisis Group. (2010, December 06). *Reforming Pakistan's Criminal Justice System*. Retrieved January 27, 2016, from <http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/196 Reforming Pakistans Criminal Justice System.pdf>.

⁶ Khattak, I. (2015, January 15). 1.7m cases pending with SC, lower courts, NA told. Retrieved March 24, 2016, from <http://nation.com.pk/national/15-Jan-2015/1-7m-cases-pending-with-sc-lower-courts-na-told>.

Graph 9.1 Pending Cases in Pakistan's Courts

9.3 Progress on Legal Reforms

While several bills and amendments have been presented and passed in the federal and provincial assemblies, a structural overhaul is sorely missing. To this end, on December 1, 2015, nearly a full year after the APS attacks, the Prime Minister's Committee on Legal Reforms was finally formed.³ The Terms of Reference for the committee are as follows:

- 1) To process the law reform proposals contained in the manifesto of the PML-N 2013.
- 2) To consider the law reform proposals made by the Law and Justice Commission of Pakistan and other relevant institutions and committees of any other persons.
- 3) To prepare draft legislative bills for reforms.
- 4) To share the draft legislative bills with the relevant stakeholders.
- 5) To put up the draft legislative bills for approval of the prime minister/ cabinet.
- 6) Initiate and follow up the legislative process for enactment of the draft legislative proposals.
- 7) To create awareness and acceptability for the law reforms.

One of the biggest changes is the time at which a First Information Report (FIR) is lodged in criminal cases. A highly exploitative mechanism, the FIR is often treated as a final version of events. The proposed changes mandate that the report be created only after the investigation has been concluded. This alone, could be a massive change for the legal system in Pakistan.⁶

The committee will also look into allowing NADRA to process non-contentious succession/inheritance cases; privatize inordinate delays stemming from issuance and receipt of court summons in civil cases; introduction of timelines with milestones as well as penalties/ costs for non-compliance; creation of a Legal Service of Pakistan, an ideas lab/incubation ground for all levels of legal service; and introducing costs of litigation. It is a positive step, but unfortunately, the committee has been largely silent.

9.4 OPINION: CRPC Reforms: The Way Forward by Yawar Ali Khan

Infamous for its egregious human rights violations, confidence in Pakistan's criminal justice system has been little to none over the past few decades. To appear reform-driven, the Pakistan government, in its National Action Plan 2025, has undertaken to protect fundamental rights by strengthening the judicial system; reviewing rules and regulations and reinforcing formal and informal channels of dispute resolution with the focus on ensuring equal application of law and order on all segments of society.

Surprisingly, the National Action Plan is accurate in identifying where the short-falls in the system lie; it highlights access to justice, need for speedy trials and consistency with constitutional protections such as due process as the key areas of focus. However, regardless of how noble the National Action Plan makes the government's intentions to reform appear, the question remains; does the government really have the political will to become a human rights observant state or is this just another ploy to distract the masses by giving them a glimmer of hope. We have heard these promises of action before and yet here we are in a system which, on a regular basis, goes out of the way to flout basic tenants of justice and the rule of law. The plan certainly questions the state's vested interest to ensure that it retains its GSP Plus status and that it is in line with its Global Goals (more particularly, Global Goal 16 which aims for peace, justice and strong institutions). Giving Chapter 1 of the Constitution of Pakistan a cursory read gives an ordinary citizen hope as to the plethora of rights they possess but the rule of day is far from it. The reality of the criminal justice system in Pakistan is currently predicated on protecting its national security interests which does not allow for any protection of fundamental rights or implementation of Global Goals. The laws contained within the anti-terror legislation and the Pakistan Protection Act has legally thrown the country back into the dark ages where the King reigned supreme and could do with its subjects as he willed.

There are innumerable examples of these loopholes in the law which glorifies the concept of human rights while simultaneously stripping citizens of all rights. So while the Constitution promises to protect its citizens from illegal detention and security of person, it legitimizes police detention on something as ill-defined as "sufficient cause" in the same breath. Now where "policing" in Pakistan was already marred with abuse of power, the Constitution has legalized this abuse without corresponding protections for the detained. Even if we look at something as simple as confessions before a police officer, which are generally inadmissible in court per Pakistan's laws of evidence, in practice they are admissible where they lead to a discovery, which gives the police the power to extract a confession using torture with indemnity.

What's worse is that because of inherent bias in the system, the burden of proof is inevitably on the defendant to prove his innocence. No longer are we in a system which upholds the notion of innocent until proven guilty. The guilt of the accused is already established and unless proven otherwise, it's off to the gallows.

These laws, rather than increase the security of the state have actively raised the likelihood of greater abuses by the government without giving the citizens any protection against it.

In fact, so determined is Pakistan to deprive its citizens of any protections whatsoever, that even after having ratified international conventions such as the International Covenant on Civil Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, there are no reporting mechanisms for citizens to pursue claims against the government or enforce the very rights these laws are ratified to protect. These conventions will not mean anything unless the government passes the relevant enabling legislation. They do, however, fall under the apparent ploys played by the government to appear to be upholding human rights in the public eye.

The inability to administer is further validated and recognized when the government and the Supreme Court give into military courts implying the system's own ineffectiveness and failure. These courts, which have been given a 2 year mandate, are a result of the 21st amendment. Proceedings conducted by these courts are held in secret, without transparency and with no way to gauge the measure of its success or failure. Moreover, there is no certainty that by the end of these two years the sunset clause will be invoked and these courts will be wrapped up. For the sake of argument, even if military courts are a short stop to give the regular criminal justice system a chance to be reformed, we need to measure the changes in the criminal justice system over the past year to see what headway we have made. However, if the laws that govern the criminal justice system are to be looked at i.e. the Pakistan Penal Code, The Criminal Procedural Code, Evidence Act, no material changes have been made. Over the course of the last year, Pakistan has lifted the moratorium on the death penalty and has executed over 350 individuals out of which only around 60 are under the Anti-Terror Legislation. When the state is exacting the ultimate punishment of death, it is under a much stricter obligation to ensure protection of human rights. Despite that and despite the promises under international law, Pakistan has knowingly executed juveniles and the mentally ill and by the looks of these trends, the government isn't planning on stopping anytime soon.

In order for Pakistan to even meet the minimum standard for protecting human rights, certain reforms need to take place with speed and aggression. More importantly, they need to focus on one of the biggest problems of the criminal jus-

tice system within the law; inconsistency. Simply looking back at inadmissible confessions before the police, neglectful practice has in fact led to police torture, proven to be counterproductive and has become the new unlawful norm of the police. Furthermore, new laws are continuously passed without repealing the old ones. According to Iqbal Haider, a former Law Minister, “Nobody in the law ministry or the judiciary can claim to know what the valid laws of the land are”, proving that this practice leads to contradiction, further inconsistency and results in there being multiple laws in the book.

Along with fundamental reforms in law making, protection should be provided to witnesses, prosecutors and judges when dealing with high profile cases. Substantial changes to the PPC, CRPC and the Evidence Act should be made to ensure respect of human rights along with effective execution of enabling legislation on Pakistan International obligations under the ICCPR and CAT.

Pakistan, at this point is nowhere near implementing the change it has envisioned in its National Action Plan and the government and the nation needs to realise that these reforms will not happen overnight but the state is responsible to identify and rectify this problem. Previously, the government has shown absolutely no political will in changing these laws; a small example of this is the anti-torture law the government has been trying to pass for over 2 years. With the National Action Plan, now is the time for the government to start scrutinizing the fundamental flaws within the law and start taking actual steps in attempting to reform the criminal justice system. Most importantly, these reforms need to be carried out in an effective and transparent way with a greater need to administer consistency. The last thing this country needs is more toothless reforms.

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PART 10: CONCLUSION

10.1: OPINION: HAS THE POST-JIHAD MOMENT ARRIVED?

by Raza Rumi

Is Pakistan's security calculus changing?

Prime Minister Nawaz Sharif had won the 2013 general elections, promising revival of the economy and an end to the chronic energy crisis. He had also promised to chart a new path on the foreign policy front.

As a result, Pakistan has turned a new chapter in its foreign policy; it has joined the Shanghai Cooperation Organization as a full-member, thus becoming part of Central and South Asian nations' group. It has entered into energy connectivity agreements with Qatar, Turkmenistan, Afghanistan and Russia. Pakistan has deepened its ties with China to become a trade and transit hub for regional trade through the 'China-Pakistan Economic Corridor(CPEC) framework, under President Xi Jin Ping's One Belt, One Road (OBOR) initiative. Under the CPEC banner, new infrastructure development and energy production projects worth about \$46 billion over the next decade to revive Pakistan's economy.

Pakistan was already part of the Turkmenistan-Afghanistan-Pakistan-India (TAPI) gas pipeline project. Under this project natural gas from Turkmenistan will be delivered to energy deficient economies of Pakistan and India. In December 2015, leaders of all four countries laid foundations of the project and work finally commenced.

Early signs of policy shifts?

It all sounds good but for these infrastructure and energy production projects to materialize, Pakistan needs to neutralize as well as eliminate all those radical groups, which it once nurtured, or is sympathetic to.

One promising sign to that effect came in January 2015; in an interview with Christian Amanpour of CNN, Lt. Gen Asim Bajwa, head of the ISPR, underscored that "...we have to go against the phenomenon of terrorism, against all terrorists, and their abettors."¹

It is too early to make any conclusive assessment of that commitment but it Bajwa's statement did indicate some rethink within the military's calculus of security policy. His boss, General Raheel Sharif, the army chief, too, had made a similar statement in November 2014; in a reference to the Operation ZarbeAzb, a military

¹ Staff Reporter. (2015, January 20). Insult to question Pakistan army's competence, DG ISPR tells CNN. Retrieved March 26, 2016, from <http://www.dawn.com/news/1158235>.

action launched against terrorist hideouts in North Waziristan in June that year, Sharif had said: "I would like to openly say that this – operation - is against all hues and colors, and it is without any discrimination, whether it is Haqqani network or TTP or anything."²

A month later, terrorists struck at the Army Public School (APS) in Peshawar, and killed nearly 145 students and teachers in one of the deadliest attacks ever. The APS attack on December 16, and the subsequent militaristic response strengthened the resolve of the army and the PML-N government to finally address terrorism and its root causes. Statistics show that the incidence of terrorism and related attacks has decreased due to Operation Zarb-e-Azb.

In 2013, there were 574 terror incidents, including improvised explosive devices (IEDs) blasts, suicide hits and missile attacks. In 2014, the number came down to 388, and in 2015, it further declined to 218. In short, terror incidents reduced by more than 50% across the country, reflecting considerable improvement in the security situation, due to which, from the last seven years, 2015 has been relatively the most peaceful year in Pakistan.

Regional pulls on Pakistan

The year 2015 also witnessed the emergence of Islamic State (IS) or Daesh and increasing evidence of its inroads into Afghanistan.³ Originating from the Middle East, Daesh is a force against which China, Russia, U.S. and Pakistan are aligned. Jihadis from other terrorist groups in the Af-Pak region are joining Daesh due to, or as a result of, its global appeal. This is a concern for Pakistan and other regional states who seek stability for both Afghanistan and in the region.

Concurrently, Iranian influence is growing not just in the Middle East and Afghanistan but globally. After a successful nuclear deal which eased sanctions as Tehran rolled back parts of its nuclear program, Iran has emerged as key actor with the capacity to stabilize or destabilize the Middle East, Central Asia and Gulf region. Iran and Saudi Arabia are arch-rivals. Their proxy battles, revolving around sectarian identities, have played across Muslims countries, with Pakistan also a battleground from the 1980s onwards. Iranian and Saudi governments provided financial resources and arms to their respective proxy groups in Pakistan. These groups fought amongst themselves while the Pakistani state witnessed the mayhem. Since 1990s such proxy battles became more pronounced and complicated.

² Staff Reporter. (2014, November 20). Army targeting all militants without discrimination: General Raheel. Retrieved March 26, 2016, from <http://tribune.com.pk/story/794198/army-to-ensure-terrorists-are-unable-to-reestablish-their-base-in-pakistan-coas-tells-us-senators/>.

³ Boghani, P. (2015, November 17). ISIS is in Afghanistan, But Who Are They Really?. Retrieved March 26, 2016, from <http://www.pbs.org/wgbh/frontline/article/isis-is-in-afghanistan-but-who-are-they-really/>.

With growing Saudi-Iran tensions in 2015 over Yemen, Pakistan has been wise to avoid⁴ taking sides and instead has sought to reduce tensions between the rival Muslim states in order to mitigate turmoil in the region.

The China Factor

After paying an unimaginably heavy cost Pakistan has realized that sectarianism must be reined in. This is a realization aided by external factors too. Among the world powers, China doesn't wish⁵ to see violent groups operating and freely recruiting for jihad that can also destabilize its Muslim-majority Xinjiang region that borders Pakistan. Moreover, it is the only world power with a real leverage over Pakistan's powerful military due to decades spanning, comprehensive defence and security cooperation, including in the nuclear realm. China is Pakistan's largest supplier of defence equipment. It can tactfully prod the army and Pakistan's security apparatus to de-link itself from jihadi groups and work towards squeezing space for them in the society.

Meanwhile, Pakistan's relationship with Russia has also developed further in recent years. Like China, Moscow can also be a key influence on Pakistan army. Moscow is incentivizing Pakistan by offering defense, economic and scientific cooperation⁶ as India gets closer to US. Pakistan is also wary of US leaving the region and diminishing economic and military aid in the coming years. The increased footprint of China and Russia in the region, particularly the successful implementation of CPEC, will ensure that Pakistan maintains its importance both for the stabilization of Afghanistan, and as a regional counter-weight to India.

India policy and Afghanistan

The Quadrilateral Coordination Group (QCG) comprising, Afghanistan, China, Pakistan and the United States, have held three rounds of talks to chalk out a roadmap for commencing a peace process in Afghanistan. It is expected that Pakistan will wield its influence over the Taliban insurgency to push them for commencing peace talks with Afghan government. Earlier in 2015, another initiative termed as the Murree process collapsed when it transpired that leader of the Taliban movement, Mullah Omar was dead. After an internal struggle over succession,

⁴ Panda, A. (2016, January 22). Why Is Pakistan Interested in Brokering Peace Between Iran and Saudi Arabia?. Retrieved March 26, 2016, from <http://thediplomat.com/2016/01/why-is-pakistan-interested-in-brokering-peace-between-iran-and-saudi-arabia/>.

⁵ Zhou, Z. (2015, October 2). China's Desperate Battle Against Separatist Terrorism. Retrieved March 26, 2016, from <http://blogs.wsj.com/chinarealtime/2015/10/02/chinas-desperate-battle-against-separatist-terrorism/>.

⁶ Rana, S. (2015, November 21). Pakistan and Russia usher in new era of cooperation. Retrieved March 26, from <http://tribune.com.pk/story/995578/trade-and-defence-ties-pakistan-and-russia-usher-in-new-era-of-cooperation/>.

it appears Taliban have also divided into various factions. Pakistan has called for including as many Taliban groups in the peace talks as possible.

The December 2015 visit of Prime Minister Modi of India to Lahore for meeting his Pakistani counterpart was orchestrated as a surprise visit. It sparked the hope that revived dialogue between India and Pakistan will gain momentum. In recent years, tensions between nuclear-armed neighbours and rivals have escalated dangerously. However, in December 2015, this high-level engagement between both sides led to improvement in relations. During the Indian External Affairs Minister, Shushma Suraj's visit to Islamabad, to attend Heart of Asia Conference, Pakistan and India announced commencement of a comprehensive dialogue to address all contentious issues. During PM Modi's visit, both premiers announced that their foreign secretaries would meet in mid-January and the respective National Security Advisors (NSAs) after that.

On the sidelines of the Climate Change Summit in Paris, Prime Ministers of India and Pakistan had a brief conversation. A week later, both governments announced that their foreign secretaries and NSAs had met in Bangkok to discuss peace and security issues. Since then, both NSAs, Ajit Doval of India and Nasser Janjua of Pakistan, have maintained contact. After the terrorist attack on Indian airbase in Pathankot, both NSAs exchanged vital information. India shared its initial information and leads to Pakistan through the NSA mechanism.

In January 2016, a sprawling airbase in Pathankot came under a four day long attack from gunmen. This incident took place a week after PM Modi's brief stop-over in Lahore. India blamed Pakistan-based Jaish-e-Muhammad (JeM) of carrying out the attack. Pakistan, acting on information provided by India, conducted raids on JeM centers and detained its leader Masood Azhar. On the other hand, Syed Salahuddin, leader of United Jihad Council, a group active in Indian controlled-Kashmir and also receiving support from Pakistan in the past, claimed responsibility for the Pathankot attack. The foreign secretary level talks were postponed.

To minimize the significance of India-centric jihadi groups it is necessary that Islamabad and New Delhi make progress on bilateral relations, which demands a new era of détente. In recent weeks, Pakistan and India have resumed their high-level engagements. It is hoped that despite attempts by terrorist groups to derail talks – like the Pathankot airbase attack in India – dialogue will continue.

Tackling violent extremism

Pakistani security forces announced in July 2015, the killing⁷ of Malik Ishaq, leader

⁷ BBC. (2016, July 29). Malik Ishaq: Pakistan Sunni militant chief killed by police. Retrieved March 26, from <http://www.bbc.com/news/world-asia-33699133>.

of an anti-Shite terrorist group named Lashkar-e-Jhangvi (LeJ). He was shot dead along with other top leaders (11 members in total) in a police encounter. LeJ was infamous for committing some of the worst sectarian attacks in Pakistan, and the elimination of its top command effectively led to the weakening, if not dismantlement, of the LeJ network nationwide.

Moreover, Pakistan's security apparatus has also captured notable commanders and members of the terrorist outfit Tehreek-e-Taliban Pakistan (TTP). These commanders, who fled North Waziristan and took refuge in various urban centers, include among others, Aqal Nawab, TTP commander for Swat, Hafiz Sanaullah alias Qari Zarar, Noor Muhammad and Habib Gul of Mohmand area. These arrests also significantly weakened the TTP and its organisation inside Pakistan.

In another first in Pakistan's history, 2015 saw the arrests and charging of clerics with hate speech cases. Hundreds have been rounded up for inciting people to violence at public gatherings in the country. In Kasur, a prayer leader was sentenced to five years' imprisonment for delivering a hate speech and inciting people to violence against a particular sect. In October 2015, Mufti Kifayatullah, a senior leader of an Islamist party, Jamiat Ulema-i-Islam Fazl (JUI-F), was also arrested for delivering a hate speech by the Counter-Terrorism Department of Punjab.

The regulation of madrassas (religious seminaries) has been slow despite being a critical component of the NAP. With over 22,000 registered madrassahs and an enrollment of nearly 1.5 million students, reforming and regulating all religious seminaries in the country is a herculean task. In December 2015, however, the Interior Minister told the National Assembly that the government has reached an agreement with clerics on registration of seminaries and commencement of reforms.

The government of the southern Sindh province has taken new steps to regulate seminaries. In February, 2015, it announced that new mosques and seminaries will only be established after obtaining permission from Home Department.⁸ In January, 2016, Sindh government announced to table a new law which will only allow 'Government approved' Friday sermon in all mosques of the province. Sindh administration believes this will be a step towards 'maintaining sectarian harmony' in the province.⁹

Is strategic thinking changing?

The slow but discernable transformation in the Pakistani military's strategic think-

⁸ Ayub, I. (2015, February 22). Sindh makes prior permit must for new seminaries, mosques. Retrieved March 26, 2016, from <http://www.dawn.com/news/1165140>.

⁹ Staff Reporter. (2016, January 19). Sindh plans to regulate Friday sermon. Retrieved March 26, 2016, from <http://www.dawn.com/news/1233902>.

ing is also reflected in the speeches of its two commanders: former chief, General Ashfaq Pervez Kayani, and the current chief, General Raheel Sharif. In his Independence Day speech in 2012, which also came to be a defining speech for the eradication of militancy and extremism from Pakistan, General Kayani underscored the centrality of Islam to Pakistan. He stressed that Pakistan was created to establish an Islamic welfare state. He also said Islam and Pakistan are inseparable and Pakistan was made in the name of Islam.

In contrast, General Sharif's speeches to his commanders in 2014 and 2015 eschewed references to the religious ideology of Pakistan. General Sharif underscored the national unity and highlighted the army as representative of all four provinces, and a symbol of nationalism.

Pakistan army's media arm, the Inter-Services Public Relations (ISPR), too, is involved in unusual, counter-terror and counter-extremism media campaigns including funding of films anchored in the aforementioned themes. It, for instance, responded to the the horrific APS attack, with an inspiring song carrying a message of conviction and resilience in the face of terrorism. On the eve of the first anniversary of the APS attack, the ISPR released a musical tribute to commemorate over 130 slain children, essentially a message from children to extremists and that radicalization needs to be challenged through knowledge and education for the greater good. Significantly, in both songs, references to Islamic teachings and scriptures were absent.

The tenuous restoration of peace and stability in Karachi, the financial capital of Pakistan is also encouraging. Violence has reduced by 70-80% since the launch of Rangers-led paramilitary operation in the city. Security forces have targeted TTP and Al-Qaida elements along with criminal networks in Karachi. Operation against violent wings of political parties and the religious extremists continues, while the security apparatus cracks down on 'terror financing' networks. The civil society and political parties have provided broad support to these measures. There are issues of human rights abuses and other charges of political bias but overall the public opinion is firmly behind the military action.

Challenges

a) Civil-military fissures

For any peace process to be successful it has to have the support of Pakistan's military, with the civilians principally and firmly in control but currently, the civilian and military leadership despite the rhetoric are not on the same page¹⁰ with

¹⁰ NDTV. (2015, September 7). Pakistan Army Chief Raheel Sharif Warns India of 'Unbearable Cost' of War. Retrieved March 26, 2016, from <http://www.ndtv.com/india-news/pakistan-army-chief-ra>

respect to the necessity of engagement with India. The civil-military divergences on India have deepened over the years. Both don't really see eye to eye even on the implementation of the National Action Plan.

Pakistan's civilian leadership needs to address this looming difference for progress to materialize in the peace process. But exactly how will civilians move forward remains to be seen. It is not even clear if they have garnered enough public support¹¹ to drive this process.

b) Religious Seminaries

Despite pronouncement, successive governments have failed to initiate reforms to regularize and regulate seminaries. They are seen as the primary source of indoctrination. Sources of their funding are also not entirely transparent. The government has so far failed in reforming the madaris curricula. Nor has it been able to subject them to financial audits and oversight.

The government needs to regulate seminaries and mosque complexes in Pakistan. Registering and streamlining financial sources of seminaries and mosques is an imperative. Any mosques and seminaries, found to have links with terrorist networks should be dealt with iron hand and indiscriminately.

Until seminaries are not brought under control, extremist violence will continue to flourish. The state must aim to achieve elimination of physical militant infrastructure, recruitment bases and recruiters, curtail radical seminaries, and suffocate funding streams that support radical elements and militant violence.

c) Youth

Socio-economic marginalization of youth represents another challenge. Presently, over 60 per cent of Pakistan's population is under the age of 25. This youth bulge and the lack of socio-economic opportunities for it stands out both as a threat as well as an opportunity. Failure of the state to deliver essential public services to the teeming millions of youth enables militant outfits to make inroads and recruit youth.¹²

heel-sharif-warns-india-of-unbearable-cost-of-war-1214940.

¹¹ Shahid, S. (2015, December 31). Pakistan, India can't live as enemies, says PM. Retrieved March 26, 2016, from <http://www.dawn.com/news/1229802>.

¹² Yusuf, M. (2014, November). Radicalism Among Youth In Pakistan: Human Development Gone Wrong? National Human Development Report. Retrieved March 27, 2016, from <http://nhdr.undp.org.pk/wp-content/uploads/2015/02/Moeed-Yusuf-Youth-Radicalisation.pdf>.

d) Balochistan

Tackling Balochistan, the area-wise largest province of Pakistan bordering Iran and Afghanistan, is another challenge. The province has been affected by a formidable insurgency since 2007. At least four separatist groups—the Baloch Republican Army, Baloch Liberation Army, Balochistan Liberation Tigers, and United Baloch Army—operate against the state. They have targeted military and paramilitary personnel and installations, and settlers from other provinces. In recent years federal government has investment in law-enforcement agencies of Balochistan and have also provided resources for economic uplift of the region.

Since 2013, Balochistan government, and military commanders have worked in tandem to bring stability in the province but human rights violations have also taken place further angering the local population. Government has expressed willingness to commence dialogue with the rebel groups. Stability and peace in Balochistan is vital for Pakistan to successfully implement plans being made under CPEC. Balochistan is also home to the deep-sea port of Gwadar, which is the starting point of CPEC in Pakistan.

e) Indian Strategy

Due to continued tensions and bilateral mistrust, Pakistan military still considers India as an existential threat. General Sharif has warned India of an ‘unbearable cost’ if war occurs. The military also continues to consider Kashmir as the core dispute between both states. Thus, India-centric jihadi groups remain active and they have been making inroads in Pakistan’s mainstream politics since the military believes, by mainstreaming them, it can neutralize them, but will it succeed?

f) Justice System

Pakistan’s outdated criminal justice system – the British era CrPC 1860 - requires an urgent reform. Massive pendency, long-drawn and expensive litigation result in extremely low conviction rates. Federal government should support capacity building, and reform of all organs of the criminal justice system including judiciary, police, and prosecution. Prosecution services and the police needs to be revamped and provided resources.

g) Economy-Oriented National Security Policy

Concurrently, from a militaristic national security strategy, Pakistan is moving towards an economy-oriented national security policy. The CPEC framework, energy engagement with Russia and commencement of TAPI gas pipeline are indicators of the new policy focus. This focus, for the first time, disengages Pakistan from

using jihadi groups as foreign policy tools in the region. This is a critical shift, and must be seen to its logical conclusion.

10.2: **OPINION: Recommendations on the Path Forward** *by Zeeshan Salahuddin*

The agenda items on the National Action Plan (NAP) are neither new nor novel. Multiple versions of these ideas had existed for quite some time but NAP, for the first time, consolidated them all into a comprehensive document. The main difference this time is the strong, across-the-board political will that drove this change, undoubtedly fueled and reinforced by a strong military push. However, should this political will fail, falter or fade, Pakistan can slip back into the stark violence of the past fifteen years.

Second, there seems to be a concerted effort by the government to bring all parties on-board, and especially to appease the religious hardliners with political muscle. While these are good measures for building confidence and presenting a united front in the face of an unrelenting enemy, the counterterrorism narrative necessitates relentless focus and complete state ownership. The ruling party PMLN, for better or worse, is the executive branch, with all the powers and privileges that come with that territory, and it needs to take commend of the counterterror campaign and the development of the alternate narrative rooted in the Constitution of Pakistan.

Third, the military is a stable, well-oiled institution in Pakistan with a long-standing history of friction with civilian counterparts. It has, and continues to; render invaluable sacrifices for peace and eradication of terrorism. However, military intervention is a surgical, short-term solution to eliminate the physical presence of the enemy and a manifestation of the hard power of the state. The military is not a long-term peacekeeping force that can be deployed in population centers in perpetuity. Terrorism has to be fought by the government directly, and the next steps need to revolve around strengthening and capacitating civilian law enforcement agencies, units and departments, as well as legislative reforms to close loopholes in the legal system. We still discern huge deficit as far as the soft power of the state –commitment to rule of law, education and skills’ development, as well as conscious law-based efforts against radical and criminal non-state actors – are concerned.

Fourth, a full thirteen months in to the implementation of NAP, the coordinated operation against the banned outfit Jaish-e-Mohammad (JeM) in January (following the outfit’s alleged involvement in the attack on the Pathankot Air Base in India), shows the highly selective nature of actions taken against proscribed organizations. Additional research also reveals that adding an organization’s name to a list of banned outfits accomplishes little other than to simply make a catchy headline for one 24-hour news cycle. The government needs to be unrelenting, uncompromising and unbiased in its implementation of all stipulations within the

NAP.

Fifth, the government needs to immediately and urgently conduct a detailed census of the country. We have been extrapolating on data from the last census nearly two decades ago. An entire generation has grown up in the interim and the country urgently needs a fresh database for future planning.

Sixth, symptomatic treatment of issues is counter-productive. Blocking websites, shutting down mobile service, rounding up Afghan refugees en masse, blocking millions of SIMs inter alia are all steps that arguably provide temporary relief. The state needs to somberly consider long-term solutions for ridding society of intolerance, extremism and radicalization. This will take concerted efforts to target and eliminate the ideological presence of the extremist narrative, not just the physical hideouts and fighting militants.

Seventh, in any counterinsurgency effort, one of the most important, pivotal and vital tool at the state's disposal is foot intelligence down to individual streets and neighborhoods. Foot intelligence forms the cornerstone of counter-terrorism operations and efforts, and cannot be implemented without empowering and instating local government mechanisms.

The following policy recommendations are not exhaustive but may hopefully serve as a recommended starting point in a very long fight ahead.

10.3: Individual Policy Recommendations by Zeeshan Salahuddin and Imtiaz Gul

10.3.1 Legislative Reforms and Legal Recommendations

1. Legislative reforms are needed to improve the ailing and extremely tardy criminal justice system. A restructured criminal justice system is critical to realize NAP goals. Specifically the Criminal Procedure Code (CrPC), the Penal Code and the Evidence Act need to be revamped and contemporized.
2. Specifically within the Evidence Act, the focus needs to shift from witness testimony to forensic evidence.
3. Judges, lawyers, witnesses and prosecutors need to be provided fool-proof security to mitigate the “revolving door” nature of courts for hardened criminals and militants.
4. The application of legal rules to various regions of Pakistan is unclear. The interior ministry must clarify the legal conveyer belt that dictates intervention in terms of regular law enforcement, anti-terrorism operations, or non-international armed conflict. This also requires, for the long term, gradual elimination of aberrations such as FCR, PATA Regulations, In-Aid-of Civil-Power Act (FATA), and alignment of multiple anti-terror legislation such as Anti Terror Act (1997) and Pakistan Protection Act.
5. Both the civilian government and the military establishment must stand behind all those responsible for law enforcement and militant pacification must. A “state of war” does not in any way warrant a *carte blanche*, the security apparatus therefore should remain subject to strict accountability in order to avoid human rights’ violations.

10.3.2 Kinetic vs. Ideological Warfare

1. There is a clear and present need to go beyond physical elimination of extremists. The state needs to draft a long-term plan that targets the ideological roots of this conflict. This plan needs to be helmed by civilian law enforcement and driven by the conscious realization that upholding the rule of law is the key to fighting and neutralizing non-state criminal and terrorist elements.
2. Kinetic operations have reduced terrorism in Pakistan to a great extent, but military intervention in population centers is neither desirable nor sustainable. The state needs to reinforce, equip and capacitate civilian

law enforcement agencies (see [10.3.3 Civilian Law Enforcement Recommendations](#) below).

3. Additionally, once these areas have been cleared, mollified or pacified, what is the government's plan when it is handed the reins back? How will it ensure the continued safety and security of residents once the military exits?
4. The government must stop open-ended policy planning and execution. The military courts have been given a two-year term which expires in January 2017 and the IDPs have been given a timeframe for rehabilitation. However, most of the other NAP points are open-ended. This does not help in time-bound planning and conclusive execution. Actions against terror and crime as well as against religious extremism require to be clearly defined and time-lined.
5. The progress on each individual item in the NAP seems piecemeal and *ad hoc*; there seems to be no central implementation plan for which steps needs to be taken, why, when and in what order. This must change.
6. The solution to an underperforming police force is not parallel counter-terrorism forces. There needs to be a central civilian-controlled, civilian-led law enforcement agency at the provincial level. All others need to be absorbed into this structure.

[10.3.3 Civilian Law Enforcement Recommendations](#)

1. Counterterrorism operations across the country are currently the domain of the military, and for good reason. However, steps must be taken to dramatically increase both the coordination with and the participation of civilian law enforcement officials and units in these efforts.
2. The civilian law enforcement agencies have to take control of the situation in the population centers. Community policing is not the job of the military, Rangers or the FC. The fact that they have to keep the peace is a clear indication of the failure of the civilian structures.
3. De-politicization of the police, as exemplified by the KP government, is absolutely paramount. The police chief needs to be appointed on merit, and he must have utmost operational autonomy - appointments, transfers, decisions in key law enforcement - without fear of or favour to the government or political party.
4. All anti-terror frameworks such as NISP, NAP, NACTA, POPA, ATA, need to be consolidated into one cohesive structure that is then mandated and

pursued relentlessly.

5. The police across Pakistan should have a uniformed service structure and be governed by a national law. Additionally, respective provincial police forces should be adapted according to local conditions.
6. “Thana culture” i.e. high-handedness of police officials at the police stations needs to be ruthlessly dismantled through accountability mechanisms.
7. Effective counter-terrorism would require various civilian and military intelligence agencies to work in unison rather than work at cross-purposes in an effort to outdo one another.
8. NACTA remains a stillborn baby, and needs to be funded, empowered and capacitated. Either that, or dismantle it and accept that perhaps this is not the ideal time or circumstances for such an entity.

10.3.4 Hate Speech and Proscribed Outfits Recommendations

1. Pakistan needs more comprehensive laws to control and punish crimes such as hate speech, incitement to violence, and misuse of laws in the name of religion. Strict law enforcement and continuous monitoring of all instances of hatemongering, be it in corporate meeting or at the pulpit, hold the key to deter potential offenders.
2. The seminary registration and mechanism to monitor their activities and source of financing has still a long way to go. This process needs to take into account the fact there are significant social and economic reasons, in addition to religious ones, that force parents to send their children to these institutions.
3. All funding for any religious institution, be it a library, mosque or seminary, needs to be handled through banks with a proper trail. Hundi/Hawala needs to be systematically dismantled.
4. Seminaries must also include worldly education including other languages, sciences, humanities and arts, in addition to religious training. The curricula must be state-approved. Violators of any of these regulations need to be arrested by local police, and tried by local prosecutors and courts.
5. Well-documented instances of hatred, bigotry, and extremist values must be scrubbed from all curricula in both public and private sector institutions, and replaced with messages of tolerance, acceptance, and respectful coexistence.

6. The Fourth Schedule needs to be updated regularly and implemented in letter and spirit for any and all proscribed organizations and outfits.
7. Proscribed organizations lists should be expanded to contain names of all prominent figures within said organizations, be regularly updated and disseminated to all law enforcement agencies and units.

10.3.5 Local/Regional Conflicts Recommendations

1. FATA's issues, especially FCR and its status requires to be dealt with on an emergency footing. Specifically the British colonial era FCR needs to be replaced with CrPC and PC (which, as we have mentioned earlier, themselves need reform).
2. Karachi's law enforcement agencies need to be revamped, retrained, re-equipped and re-capitated to manage the sprawling urban metropolis without aid from military or paramilitary units. Political militancy needs to be systematically dismantled, and future occurrences deterred through stringent legislative measures, if needed.
3. The state needs to mainstream dialogue with Balochistan and continue vigorously addressing grievances of the Baloch people.
4. Relations with India need to normalize through a more pragmatic approach because that holds key to relations with Afghanistan too.
5. Indian Studies departments need to be established at both public and private sector institutions. Despite a nearly 70 year history of painting India as the arch-nemesis, there are no dedicated Indian Studies departments anywhere in Pakistan.
6. Pakistan needs to do its utmost to stabilize Afghanistan, and involve major stakeholders (US, India, China, Russia, Iran) in the process. Without a stable Afghanistan, there can be no stability in the region.
7. Finally, the national security policy needs to have economic underpinnings. Through the China Pakistan Economic Corridor, Beijing has given Pakistan a tangible, economic, sustainable reason for stabilizing the country, and to actively pursue long-term peace. The state must capitalize on this game-changing opportunity and leverage it to drive Pakistan's socio-economic development in the coming decades.

ANNEX I: EXECUTIONS

#	Name	Date of Hanging	City of hanging	Charges and Year
1	Aqeel Ahmad	12/19/14	Faisalabad	Attack on GHQ
2	Arshad Mahmud	12/19/14	Faisalabad	Attack on Gen. Musharraf
3	Ghulam Sarwar	12/21/14	Faisalabad	Attack on Musharraf convoy
4	Rashid Mehmood	12/21/14	Faisalabad	Attack on Musharraf convoy
5	Zubair Ahmed	12/21/14	Faisalabad	Attack on Musharraf convoy
6	Akhlaq Ahmad	12/21/14	Faisalabad	Attack on Musharraf convoy
7	Niaz Mohammad	12/31/14	Peshawar	Attack on Gen. Musharraf
8	Ghulam Shabbir	01/07/15	Multan	Murdered DSP + 1 [2000]
9	Ahmed Ali	01/07/15	Multan	Murdered 3 civilians [1998]
10	Khalid Mahmud	01/09/15	Rawalpindi	Attack on Gen. Musharraf
11	Zulfikar Ali	01/13/15	Rawalpindi	Attack on US consulate
12	Behram Khan	01/13/15	Karachi	Murder of an advocate
13	M. Shahid Haneef	01/13/15	Sukkur	Murder of a def. min. official
14	Mohammad Talha	01/13/15	Sukkur	Murder of a def. min. official
15	Khaleel Ahmad	01/13/15	Sukkur	Murder of a def. min. official
16	Mushtaq Ahmad	01/13/15	Faisalabad	Attack on Musharraf
17	Nawazish Ali	01/13/15	Faisalabad	Attack on Musharraf
18	Arif Zahid	01/15/15	Lahore	Murdered three cops
19	Saeed Awan	01/15/15	Karachi	Murdered DSP/son

20	Ikramul Haq	01/17/15	Lahore	Murdered Imambargah guard
21	Attaullah	02/03/15	Karachi	Murdered a Shia doctor
22	Muhammad Azam	02/03/15	Karachi	Murdered a Shia doctor
23	Fayyaz Ahmed	02/13/15	Mirpur AJK	Murdered advocate's son
24	Muhammad Riaz	02/13/15	Mirpur AJK	Murdered advocate's son
25	Muhammad Siddique	03/12/15	Toba Tek Singh	Murdered three men
26	Muhammad Akhtar	03/13/15	Faisalabad	Murdered father-in-law of rape victim
27	Muhammad Sajid	03/13/15	Faisalabad	Murdered woman
28	Zafar Iqbal	03/17/15	Multan	Raped/Murdered minor
29	Muhammad Faisal	03/17/15	Karachi	Murdered during robbery
30	Muhammad Afzal	03/17/15	Karachi	Murdered during robbery
31	Muhammad Nawaz	03/17/15	Faisalabad	Murdered two relatives
32	M. Nadeem Zaman	03/17/15	Rawalpindi	Murdered four family members [1998]
33	Muhammad Javed	03/17/15	Rawalpindi	Murdered female cousins
34	Muhammad Iqbal	03/17/15	Gujranwala	Murdered over family dispute
35	Muhammad Riaz	03/17/15	Jhang	Murdered over family dispute [1995]
36	Muhammad Sharif	03/17/15	Jhang	Murdered during robbery
37	Mubashir Ali	03/17/15	Jhang	Murdered during robbery
38	Rab Nawaz	03/17/15	Mianwali	Murdered woman

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39	Zafar Iqbal	03/17/15	Mianwali	Murdered own father [2003]
40	Ghulam M.	03/18/15	Jhang	Murdered brother-in-law
41	Zakir Hussain	03/18/15	Jhang	Murdered over personal dispute
42	Asad Khan	03/18/15	Attock	Murdered five
43	Tahir Shabir	03/18/15	Lahore	Murder
44	Shafaqat Ali	03/18/15	Faisalabad	Murdered two brothers [1998]
45	Muhammad Syed	03/18/15	Faisalabad	Murdered two brothers [1998]
46	Shaukat Ali	03/18/15	Rawalpindi	Murder
47	M. Shabbir	03/18/15	Rawalpindi	Murder
48	Rab Nawaz	03/18/15	Rawalpindi	Murder
49	Talib Hussain	03/18/15	Rawalpindi	Murder
50	Ahmed Nawaz	03/18/15	Mianwali	Murder
51	Abdul Sattar Khan	03/19/15	Mianwali	Murder [1992]
52	Ghulam M.	03/19/15	Rawalpindi	Murdered two relatives [1996]
53	M. Asghar	03/19/15	Rawalpindi	Murdered two relatives [1996]
54	Gulistan Zaman	03/19/15	Rawalpindi	Murdered civilian [1998]
55	M. Nasrullah	03/24/15	Multan	Murdered over family dispute [1994]
56	Ayub Bashir	03/25/15	Lahore	Murder
57	Shahbaz Ali	03/25/15	Sahiwal	Murdered 7-year-old boy [1998]
58	Jalal Murejo	03/25/15	Sukkur	Murdered cousin [1997]
59	Abdul Razzaq	03/25/15	Sukkur	Murdered 7th grade student [2001]
60	Ghulam Yaseen	03/25/15	Bahawalpur	Murdered and raped woman [2001]
61	Mohammad Khan	03/25/15	Mianwali	Murder

62	Muhammad Afzal	03/26/15	Faisalabad	Murdered over old rivalry [1995]
63	Akramul Haq	03/31/15	Attock	Murdered/Kinapped 3-year old girl
64	M. Ameen	03/31/15	Adiala	Murder [1998]
65	Hussain Shah	03/31/15	Mianwali	Murdered two brothers [2000]
66	Muhammad Riaz	03/31/15	Sargodha	Murdered two men
67	Jafar alias Kali	04/07/15	sahiwal	Murdered two siblings
68	Tayyab Ghulam Nabi	04/07/15	Lahore	Murder [2002]
69	Amir Hamza	04/08/15	Machh	Murder [1995]
70	Sikandar	04/08/15	Bahawalpur	Murder
71	Hamid Mehmood	04/09/15	Lahore	Murdered juvenile for ransom
72	Raja Mushtaq	04/09/15	Rawalpindi	Murdered two civilians
73	Lonay Khan	04/14/15	Bahawalpur	Murder
74	Ejaz	04/16/15	Gujranwala	Murder [1995]
75	Abdul Jabbar	04/16/15	Gujranwala	Murder [2001]
76	Zafar Iqbal	04/16/15	Faisalabad	Murder and Robbery [2005]
77	Qaiser	04/16/15	Rawalpindi	Murder
78	Majid	04/16/15	Rawalpindi	Murdered six people
79	Manzoor Vasli	04/18/15	Vehari	Murdered police constable [2001]
80	Allah Rakha	04/21/15	Lahore	Murder [1996]
81	Ghulam Nabi	04/21/15	Lahore	Murder
82	Mohammad Azam	04/21/15	Faisalabad	Murdered seven in-laws [2004]
83	Nizam Din	04/21/15	Faisalabad	Murdered three people [1998]
84	Mohammad Husain	04/21/15	Faisalabad	Murdered three people [1998]
85	Nauman	04/21/15	Sialkot	Rape [1999]
86	Saleem	04/21/15	Sialkot	Rape [1999]
87	Zafar Ullah	04/21/15	Gujranwala	Murdered four

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88	Latif Mehdi	04/21/15	Gujranwala	Murdered four
89	Inayat Ullah	04/21/15	Gujranwala	Murdered seven
90	Liaquat Ali	04/21/15	Sahiwal	Murder [1998]
91	Raja Raees	04/21/15	Rawalpindi	Murdered three [1998]
92	Sultan alias Raja	04/21/15	Multan	Murder [2000]
93	Azhar Mahmood	04/21/15	Gujrat	Murder [1995]
94	Riaz Ahmad	04/21/15	Quetta	Murder [2004]
95	Mohammad Rizwan	04/22/15	Lahore	Murdered six people [2006]
96	Moazzam Khan	04/22/15	Lahore	Murder [1995]
97	Zahid Hussain Chohan	04/22/15	Sahiwal	Murdered police constable [2001]
98	Mohammad Nazeer	04/22/15	Bahawalpur	Murder [2001]
99	Muhammad Hanif	04/23/15	Sahiwal	Murder [2006]
100	Gul Mohammad	04/23/15	Sargodha	Murder [1999]
101	Munir Husain	04/28/15	Vehari	Murdered nephew/niece [2000]
102	Abdul Ghafoor	04/29/15	Vehari	Murdered and raped 8-year-old [1991]
103	Zulfiqar Ali	05/06/15	Lahore	Murdered two [1998]
104	Saulat Mirza	05/12/15	Machh	Murdered three [1997]
105	Ahmed Khan	05/17/15	Lahore	Murder [2008]
106	Zulfiqar	05/20/15	Faisalabad	Murdered taxi driver [2000]
107	Muhammad Musa	05/20/15	Machh	Murder [2005]
108	Aijaz alias Jajji	05/21/15	Gujranwala	Murder [1998]
109	Shaukat Masih	05/21/15	Faisalabad	Murder [2000]
110	Abbas	05/21/15	Multan	Murder [1996]
111	Ehsaan	05/23/15	Lahore	Murder
112	Arshad	05/23/15	Lahore	Murdered two [1991]
113	Abdul Ghaffar	05/23/15	Multan	
114	Muhammad Wazir	05/23/15	Sahiwal	Murder
115	Shakil Anees	05/26/15	Lahore	Murder [1998]
116	Sher Ali	05/26/15	Lahore	Murdered two [2001]

117	Iftikhar Ahmad	05/26/15	Faisalabad	Murdered three [2001]
118	AsifZaib	05/26/15	Faisalabad	Murder [1998]
119	Ishaq	05/26/15	Sahiwal	Murder
120	Mohammad Nawaz	05/26/15	Gujranwala	Murder
121	Rana Faryad	05/26/15	Multan	Murder
122	Mohammad Afzal	05/26/15	Jhelum	
123	Amjad Ali	05/26/15	Sargodha	Murdered niece, witnesses; raped niece
124	Noor Ahmad	05/26/15	Toba Tek Singh	Murdered six family members
125	Sardar Ibrahim	05/26/15	Machh	Murder [2003]
126	Abdul Khaliq	05/27/15	Lahore	Murder
127	Shehzad	05/27/15	Lahore	Murder
128	Muhammad Khan	05/27/15	Machh	Murdered brother/nephew [2004]
129	Sanaullah	05/27/15	Vehari	Murdered/kidnapped minor
130	Abdul Sattar	05/27/15	Vehari	Murdered/raped girl
131	Naseer Ahmad	05/27/15	Gujrat	Murder [2002]
132	Faisal Mahmood	05/27/15	Gujrat	Murder [2000]
133	Shahsawar Baloch	05/28/15	Hyderabad	Hijacked a PIA plane [1998]
134	Sabir Baloch	05/28/15	Hyderabad	Hijacked a PIA plane [1998]
135	Shabbir Baloch	05/28/15	Karachi	Hijacked a PIA plane [1998]
136	Mehmood Ali	05/28/15	Karachi	Murdered minor [2002]
137	Malik Khurram	05/28/15	Haripur	Murder
138	Muhammad Afseer	05/28/15	Attock	Murder [1998]
139	Muhammad Ashraf	05/28/15	Sahiwal	Murdered two [2000]
140	Ameer Abdullah	05/28/15	Sargodha	Murder [2002]
141	Murad Ali	05/30/15	Sargodha	
142	Muhammad Khan	06/02/15	Sargodha	Murdered two [2002]

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143	Khizer Hayat	06/02/15	Mianwali	Murder [1998]
144	Muhammad Sarwar	06/02/15	Sahiwal	Murdered woman [1993]
145	Chan Zeb	06/02/15	Attock	Murdered two
146	Abdul Rehman	06/02/15	Adiala	
147	Javed alias Jeeda	06/03/15	Lahore	Murdered two [1987]
148	ShamsulHaq	06/04/15	Lahore	Murder [1999]
149	Fateh Muhammad	06/04/15	Mianwali	Murdered two [1999]
150	Sanallah	06/09/15	Sialkot	
151	Mohammad Abid	06/09/15	Faisalabad	
152	Nawaz alias Kaka	06/09/15	Sahiwal	
153	Abid Maqsood	06/09/15	Sialkot	
154	Aftab Bahadur Masih	06/10/15	Kot Lakhpat	Murdered three [1992]
155	Tariq alias Tara	06/10/15	Kot Lakhpat	Murder [1995]
156	Name unknown	06/10/15	Faisalabad	Murdered five
157	Shahid Shafiq	06/11/15	Faisalabad	Murder [1996]
158	Gul Muhammad	06/11/15	Haripur	Murder
159	Khizer Hayat	06/15/15	Multan	
160	Mukhtar	06/16/15	Lahore	Murder [2004]
161	Jawed Sultan	06/16/15	Rawalpindi	Murder [1990]
162	Muhammad Rafiq	06/16/15	Rawalpindi	Murder [1990]
163	Ikram Hussain	06/16/15	Rawalpindi	Murder [1990]
164	Allah Ditta	06/16/15	Faisalabad	Murdered woman [1999]
165	Mohammad Younas	06/16/15	Faisalabad	Murdered three [2000]
166	Ashraf	06/16/15	Gujranwala	Murdered/raped 12-year-old girl [1999]
167	Basharat	06/16/15	Sialkot	Murdered three [1999]
168	Ghulam Rasool	06/16/15	Bahawalpur	Murdered three
169	Asghar Ali	06/16/15	Bahawalpur	Murdered nephew [2000]
170	Abdur Rauf	06/16/15	Jhelum	Murder
171	Name unknown	06/16/15	Dera Ghazi Khan	Murder

172	Nabeel Ahmed	06/17/15	Faisalabad	Murder [2000]
173	Muhammad Saleem	06/17/15	Faisalabad	Murder [1998]
174	Muhammad Rashid	06/17/15	Faisalabad	Murder
175	Mohammad Aslam	06/17/15	Mianwali	
176	Fayaz	06/17/15	Sahiwal	Murder
177	Qaiser	06/17/15	Sahiwal	Murder
178	Muhammad Iqbal	06/17/15	Gujrat	Murder
179	Farooq Babar	07/26/15	Multan	Murder 1988
180	Karim Nawaz	07/26/15	Multan	Murder [1999]
181	Qari Shamsul Islam	07/27/15	Peshawar	
182	Akhtar Hussain	07/28/15	Multan	
183	Karim	07/28/15	Attock	
184	Muhammad Safdar	07/29/15	Attock	Murdered two [2003]
185	Aftab Ahmed	07/29/15	Attock	Murder [1998]
186	Mohammad Usman	07/29/15	Attock	Murder [1998]
187	Mohammad Tufail	07/29/15	Kasur	Murdered two [2001]
188	Mohammad Nawaz	07/29/15	Sargodha	Murder [2002]
189	Nayyar Abbas	07/29/15	Multan	Murder [1996]
190	Gulfam alias Gullu	07/29/15	Gujrat	Murder [2001]
191	Ahmad Din	07/29/15	Jhang	Murder
192	Muhammad Tariq	07/30/15	Sargodha	Murder [2000]
193	Muhammad Arshad	07/30/15	Rawalpindi	Murder [2002]
194	Jahandad Khan	07/30/15	Rawalpindi	Murder [2002]
195	Israr Ahmad	07/30/15	Bahawalpur	Murder [2002]
196	Samar John	07/31/15	Lahore	Murder/kidnapping
197	Nadeem Shehzad	07/31/15	Lahore	Murder/kidnapping
198	Riaz Yousuf	07/31/15	Lahore	Murdered woman/her 4 kids [1999]
199	Zafar Iqbal	07/31/15	Rawalpindi	Murder
200	Mohammad Ashraf	07/31/15	Rawalpindi	Murder
201	Shafqat Hussain	08/04/15	Karachi	Murder/kidnapping
202	Laghir Maseeh	08/04/15	Sialkot	Murder/kidnapping
203	Ghulam Rasool	08/04/15	Gujrat	Murder [2000]

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204	Amanullah Khan	08/05/15	Mianwali	Murdered three [2006]
205	M. Riaz Khan	08/05/15	Mianwali	Murdered three [2006]
206	M. Mumtaz Khan	08/05/15	Mianwali	Murdered three [2006]
207	Waqar alias Mithu	08/05/15	Gujranwala	Murdered five [2000]
208	Tariq Ilahi	08/06/15	Gujranwala	Murder [2001]
209	Inamullah	08/06/15	Lahore	Murder [1996]
210	Shafaqat alias Ashfaq	08/06/15	Lahore	Murder
211	Ghulam Shabbir	08/08/15	Multan	Murder [2000]
212	Abdul Qayyum	08/18/15	Sahiwal	Murdered three [1999]
213	Amjad Ali	08/19/15	Gujranwala	Murder [1998]
214	Bashir Ahmad	08/20/15	Gujranwala	Murder [1999]
215	Zulfiqar alias Nanna	08/25/15	Bahawalpur	Murdered four policemen [1997]
216	Shahid Mehmood	08/26/15	Karachi	Murdered two [1998]
217	Tajammal Abbas	08/26/15	Bahawalpur	Murder/rape [2004]
218	Maqbool Hussain	08/27/15	Multan	Murdered six people [1996]
219	Mohammad Ashraf	09/01/15	Sahiwal	Murder [1994]
220	Jumma Khan	09/01/15	Bahawalpur	Murder [2000]
221	Zahoor Hussain	09/02/15	Jhelum	Murdered three [1992]
222	Arshad Mehmood	09/02/15	Jhelum	Murder [2005]
223	Ajmal alias Pathar	09/02/15	Bahawalpur	Murder [2001]
224	Muhammad Khan	09/03/15	Bahawalpur	Murder [1995]
225	Muhammad Boota	09/03/15	Bahawalpur	Murder [2003]
226	Faqeer Muhammad	09/03/15	Bahawalpur	Murder [2004]
227	Maqbool alias Qulli	09/03/15	Kasur	Murder/kidnapping
228	Mohammad Sadiq	09/05/15	Sahiwal	Murder [1999]
229	Muhabat Ali	09/09/15	Vehari	Murder [2001]
230	Muhammad Bashir	09/09/15	Vehari	Murder [2001]
231	Mubashir Hassan	09/09/15	Adiala	Murder [1999]
232	Aslam Sial	09/09/15	Bahawalpur	Murder [1992]
233	Tanzil Ahmad	09/10/15	Lahore	Murder [2005]
234	Asif alias Achoo	09/10/15	Vehari	Murder [1998]

235	Muhammad Khalid	09/10/15	Faisalabad	Murder [1999]
236	Abdul Shakoor	09/10/15	Bahawalpur	Murder [2001]
237	Allah Ditta	09/16/15	Lahore	Murder
238	Haji Shabbir	09/16/15	Haripur	Murder [1996]
239	Muhammad Ashfaq	09/16/15	Faisalabad	Murder [1999]
240	Imran	09/22/15	Lahore	Murder
241	Ansar Iqbal	09/29/15	Sargodha	Murder [1994]
242	Muhammad Anwar	09/29/15	Gujranwala	Murder [2002]
243	Mushtaq s/o Nawaz	09/30/15	Lahore	Murder [2002]
244	Muhammad Ikhtlaq	10/01/15	Faisalabad	Murdered two [2001]
245	Shaukat Ali	10/01/15	Faisalabad	Murdered two [2001]
246	Muhammad Akram	10/03/15	Sahiwal	Murdered three [2002]
247	Idrees	10/06/15	Lahore	Murder [1997]
248	Muhammad Anees	10/10/15	Bahawalpur	Murder [1997]
249	Mohammad Azam	10/13/15	Gujrat	Murdered father-in-law [1999]
250	Mohammad Aslam	10/13/15	Gujrat	Murdered father-in-law [2000]
251	Ghulam Qadir/Haid-er	10/13/15	Bahawalpur	Murder of relatives [2002]
252	Ghulam Sarwar	10/13/15	Bahawalpur	Murder of relatives [2003]
253	Thanedar alias The-noo	10/13/15	Bahawalpur	Murdered wife/father-in-law [2001]
254	Mohammad Akram	10/13/15	Sialkot	Murder [2000]
255	Mohammad Ashraf	10/13/15	Attock	Murder
256	Akram s/o Waleed	10/13/15	Multan	Murder [1992]
257	Mohammad Shafeeq	10/13/15	Multan	Murdered during theft [1992]
258	Rana M. Aslam	10/14/15	Dera Ghazi Khan	Murdered wife [1996]
259	Ghulam Mustafa	10/14/15	Faisalabad	Murdered woman [2001]
260	Younas	10/14/15	Gujrat	Murder [2002]

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261	Suleman	10/14/15	Gujrat	Murder/kidnapping [1998]
262	Shafiq	10/14/15	Gujrat	Murder/kidnapping [1998]
263	Mohammad Hassan	10/15/15	Bahawalpur	Murdered two [2005]
264	Zaman	10/15/15	Multan	Murdered Punjab CM [1993]
265	Zareen	10/15/15	Rawalpindi	Murdered two
266	Rab Nawaz	10/15/15	Rawalpindi	Murder
267	Ghulam Akbar	10/15/15	Dera Ghazi Khan	Murder [1996]
268	Hazoor Baksh	10/15/15	Dera Ghazi Khan	Murder [1996]
269	Abdul Sami	10/15/15	Lahore	Murder
270	Anwar Shamim	10/15/15	Lahore	Murder
271	Idrees Ali	10/17/15	Sialkot	Murder [2001]
272	Khalil Ahmad	10/20/15	Lahore	Murder [2002]
273	Nadeem	10/20/15	Lahore	Murder [1999]
274	AmjadAli	10/20/15	Attock	Murdered two [2002]
275	Muhammad Bashir	10/20/15	Attock	Murder [1998]
276	Aleeq Shah	10/20/15	Attock	Murder [2001]
277	Mohammad Farooq	10/20/15	Sargodha	Murder [2003]
278	Mustafa	10/20/15	Bahawalpur	Murdered six [2000]
279	Mohammad Akram	10/20/15	Faisalabad	Murder [2000]
280	Mohammad Saeed	10/20/15	Faisalabad	Murder [2003]
281	Khalil Ahmad	10/20/15	Kasur	Murder[2003]
282	Munir s/o Nazir	10/21/15	Lahore	Murder
283	Asfar Ali	10/21/15	Mianwali	Murder
284	Fiaz	10/21/15	Bahawalpur	Murdered son-in-law
285	Saif	10/21/15	Dera Ghazi Kahn	Murdered two
286	Qamaruz Zaman Jatt	10/21/15	Toba Tek Singh	Murder

287	Abdul Majeed	10/27/15	Dera Ismail Khan	Murdered two [2002]
288	Mohammad Azam	10/27/15	Bahawalpur	Murdered two [1999]
289	Imtiaz Hussain	11/02/15	Sahiwal	Murder
290	Ikram	11/03/15	Kasur	Murder [1998]
291	Nisar Ahmed	11/03/15	Gujrat	Murdered two [2000]
292	Ghazanfar Iqbal	11/03/15	Gujrat	Murdered two [2000]
293	Mohammad Annar	11/03/15	Gujrat	Murdered two [2000]
294	Muhammad Rana	11/03/15	Gujrat	Murder
295	Mohammad Irshad	11/04/15	Bahawalpur	Murder [1999]
296	Muhammad Na-deem	11/12/15	Bahawalpur	Murder [1997]
297	Khadim Hussain	11/18/15	Bahawalpur	Murder [2003]
298	Muhammad Younas	11/29/15	Lahore	Murder [2001]
299	Abdus Salam	12/02/15	Kohat	APS Attack [2014]
300	Hazrat Ali	12/02/15	Kohat	APS Attack [2014]
301	Mujeebur Rehman	12/02/15	Kohat	APS Attack [2014]
302	Sabeel Yahya	12/02/15	Kohat	APS Attack [2014]
303	Pervez Khan	12/10/15	Attock	Murder [2000]
304	Rustam	12/10/15	Attock	Murder [2003]
305	Muhammad Ishaq	12/10/15	Jhelum	Murder [2006]
306	M. Akram Rahi	12/12/15	Faisalabad	Murder [1996]
307	Mansoor Ahmed	12/12/15	Lahore	Murder [2009]
308	Zafar Iqbal	12/13/15	Sialkot	Murder [1996]
309	Khalid	12/13/15	Sialkot	Murder [1996]
310	Manzoor Hussain	12/16/15	Multan	Murder [2003]
311	Muhammad Tahir	12/16/15	Multan	Murder [2003]
312	Aziz Ur Rehman	12/16/15	Bahawalpur	Murder [2002]
313	Akhtar Ali	12/16/15	Bahawalpur	Murder [2002]
314	Muhammad Azam	12/16/15	Gujrat	Murder [2004]
315	Iftikhar Ahmed	12/16/15	Gujrat	Murder [2004]
316	Nadeem	12/16/15	Sialkot	Murder [2001]

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317	Muhammad Iqbal	12/16/15	Dera Ghazi Khan	Murder [2004]
318	Zahid Mahmood	12/16/15	Dera Ghazi Khan	Murder [2005]
319	Mukhtar Ahmed	12/16/15	Gujrat	Murder [2004]
320	Muhammad Ishaq	12/17/15	Faisalabad	Murder [1992]
321	Liaqat Hussain	12/17/15	Faisalabad	Murder [1992]
322	Ahmad	12/17/15	Dera Ghazi Khan	Murder [1999]
323	Muzhar Hussain	12/18/15	Rawalpindi	Murder
324	Dilawer	12/18/15	Rawalpindi	Murder
325	Muhammad Anwar	12/18/15	Vehari	Murder [1993]
326	Sarfraz Arif	12/18/15	Vehari	Murder [1996]
327	Naveed Ahmed	12/18/15	Attock	Murder [2002]
328	Zahoor Ahmed	12/20/15	Lahore	Murder [2002]
329	Mukhdoom Gujjar	12/20/15	Lahore	Murder [2003]
330	Noor Saeed	12/30/15	Kohat	Terrorism
331	Murad Khan	12/30/15	Kohat	Terrorism
332	Inayatullah Khan	12/30/15	Kohat	Terrorism
333	Israruddin	12/30/15	Kohat	Terrorism
334	Siraj ul Haq	12/30/15	Kohat	Terrorism
335	Abdul Rashid	01/12/16	Bahawalpur	Murder [2004]
336	Sardar Ali	01/12/16	Toba Tek Singh	Murder [1993]
338	Rizwan Kiyani	01/12/16	Rawalpindi	Murder [1995]
341	Allah Ditta	01/13/16	Jhang	Murder [1999]
337	Sajid Hameed	01/14/16	Sialkot	Murder [2003]
340	Muhammad Sultan	01/16/16	Attock	Murder [2007]
339	Ghulam Jilani	01/19/16	Mianwali	Murder [2004]
342	Anwar Khan	01/20/16	Sahiwal	Murder [1993]
343	Hakim Khan	01/20/16	Jhelum	Murder [2004]
344	Noor Khan	01/20/16	Sahiwal	Murder [2003]
345	Muhammad Akram	01/20/16	Sahiwal	Murder [1999]

ANNEX II: THE TWENTY POINTS IN THE NATIONAL ACTION PLAN

1. Implementation of death sentence of those convicted in cases of terrorism.
2. Special trial courts under the supervision of Army. The duration of these courts would be two years.
3. Militant outfits and armed gangs will not be allowed to operate in the country.
4. NACTA, the anti-terrorism institution will be strengthened.
5. Strict action against the literature, newspapers and magazines promoting hatred, decapitation, extremism, sectarianism and intolerance.
6. All funding sources of terrorists and terrorist outfits will be frozen.
7. The defunct outfits will not be allowed to operate under any other name.
8. Establishing and deploying a dedicated counter-terrorism force.
9. End to religious extremism and protection of minorities will be ensured.
10. Registration and regulation of religious seminaries.
11. Ban on glorification of terrorists and terrorist organisations through print and electronic media.
12. Administrative and development reforms in FATA with immediate focus on repatriation of IDPs.
13. Communication network of terrorists will be dismantled completely.
14. Concrete measures against promotion of terrorism through internet and social media.
15. No room will be left for the extremism in any part of the country.
16. Ongoing operation in Karachi will be taken to its logical end.
17. Balochistan government to be fully empowered for political reconciliation with complete ownership by all stakeholders.
18. Action against elements spreading sectarianism.
19. Formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with registration of all refugees.
20. Reforms in criminal courts system to strengthen the anti-terrorism institutions including provincial CIDs.¹

¹ NACTA. 20 Points of the National Action Plan. Retrieved March 02, 2016, from <http://www.nacta.gov.pk/NAPPoints20.htm>.

ANNEX III: DEATH PENALTY OFFENSES

1. Murder – Section 301 of Pakistan Penal Code (PPC)
2. Aggravated murder – Sec 302 of Pakistan Penal Code (PPC)
3. Robbery resulting in death – Sec 396 of PPC
4. Bearing false witness intending or knowing the accused may be convicted of a capital offence, if an innocent person is convicted and executed as a result – Sec 194 of PPC
5. Acts to strike terror or create a sense of fear and insecurity...resulting in death
6. Haraabah – Sec 15 of the Offences Against Property (Enforcement of Hudood) Ordinance, 1979
7. A scheduled offence likely to create terror or disrupt sectarian harmony – Sec 7 of the Anti-Terrorism Act, 1997
8. Hijacking – Sec 402-B, C of PPC
9. Sabotage of the railway system – Sec 127 of the Railways (Amended) Act, 1995
10. Rape – Sec 6 of the Offence of Zina Ordinance (Enforcement of Hadood), 1979
11. Gang rape – Sec 10(4) of the Offence of Zina Ordinance (Enforcement of Hadood), 1979
12. Stripping a woman's clothes – Sec 354-A of PPC
13. Abduction to subject someone to unnatural lust – Sec 12 of the Offence of Zina Ordinance (Enforcement of Hudood), 1979
14. Kidnapping or abduction of minor – Sec 364-A of PPC
15. Kidnapping for ransom or extortion – Sec 365-A of PPC
16. Importing, exporting into and from Pakistan dangerous drugs – Sec 13 of the Dangerous Drugs Act, 1930
17. Importing, exporting inter-provincially or manufacturing drugs – Sec 14 of the Dangerous Drugs Act, 1930
18. Drug smuggling – Sec 9 of the Control of Narcotics Substances Act, 1997

19. Adultery – Sec 5 of the Offence of Zina Ordinance (Enforcement of Ha-dood), 1979
20. High treason – Sec 2 of the High Treason Act, 1973
21. Waging or abetting war against Pakistan – Sec 121 of PPC
22. Mutiny and subordination – Sec 31 of the Pakistan Army Act, 1952
23. Abetment of mutiny – Sec 132 of PPC
24. Giving up military passwords, intentionally using unassigned military passwords – Sec 26 of the Pakistan Army Act
25. Offences in relation to enemy, treachery, mutiny, and cowardice – Sec 24 of the Pakistan Army Act, 1952
26. Arms trading – Sec 13-A(1) of the Pakistan Arms (Amendment) Ordinance, 1996
27. Blasphemy – 295-C of PPC¹

¹ Death penalty offences. (2015, November 26). Retrieved February 16, 2016, from <http://hrnpweb.org/hrnpweb/death-penalty-offences/>.

ANNEX IV: MILITARY COURT VERDICTS

1. Noor Saeed - sentenced to death
2. Haider Ali - sentenced to death
3. Murad Khan - sentenced to death
4. Inayat Ullah - sentenced to death
5. Israr ud Din - sentenced to death
6. Qari Zahir - sentenced to death
7. Abbass - sentenced to life imprisonment¹
8. Hazrat Ali - sentenced to death
9. Mujeebur Rehman - sentenced to death
10. Sabeel - sentenced to death
11. Abdus Salam - sentenced to death
12. Taj Muhammad - sentenced to death
13. Ateeq ur Rehman - sentenced to death
14. Kifayatullah - sentenced to life imprisonment
15. Muhammad Farhan - sentenced to death²
16. Said Zaman Khan - sentenced to death
17. Obaid Ullah - sentenced to death
18. Mehmood - sentenced to death
19. Zubair Muhammad - sentenced to death
20. Rab Nawaz - sentenced to death
21. Muhammad Sohail - sentenced to death
22. Muhammad Imran - sentenced to death
23. Aslam Khan - sentenced to death
24. Jameel ur Rehman - sentenced to death
25. Jamshed Raza - sentenced to life imprisonment³

¹ (2015, April 02). Military courts announce death sentences of six convicts. Retrieved May 06, 2016, from <http://www.dawn.com/news/1173472/>.

² (2015, August 13). Army chief approves death sentences of 7 terrorists: ISPR. Retrieved May 06, 2016, from <http://www.dawn.com/news/1200269>.

³ (2015, September 21). COAS confirms death penalty to nine 'hard core' terrorists. Retrieved May

26. Muhammad Sabir Shah - sentenced to death
27. Hafiz Muhammad Usman - sentenced to death
28. Asad Ali - sentenced to death
29. Tahir - sentenced to death
30. Fateh Khan - sentenced to death
31. Ameen Shah - sentenced to life imprisonment⁴
32. Muhammad Ghauri - sentenced to death
33. Abdul Qayyum - sentenced to death
34. Muhammad Imran - sentenced to death
35. Aksan Mehboob - sentenced to death
36. Adbul Rauf Gujjar - sentenced to death
37. Muhammad Hashim - sentenced to death
38. Sulaman - sentenced to death
39. Shafqat Farooqi - sentenced to death
40. Muhammad Farhan - sentenced to death⁵

06, 2016, from <http://arynews.tv/en/coas-confirms-death-penalty-to-nine-hard-core-terrorists/>.

⁴ Yousaf, K. (2015, September 3). Terror trial: Military courts condemn five terrorists to death. Retrieved May 06, 2016, from <http://tribune.com.pk/story/949809/terror-trial-military-courts-condemn-five-terrorists-to-death/>.

⁵ Syed, B. (2016, January 16). Army chief ratifies death sentence of nine terror convicts. Retrieved May 06, 2016, <http://www.dawn.com/news/1230185>.

ANNEX V: PROSCRIBED ORGANIZATIONS BY THE INTERIOR MINISTRY

#	Organization	Proscription Date
1.	Lashkar-e-Jhangvi (LeJ)	August 15, 2001
2.	Sepah-e-Muhammad Pakistan (SMP)	August 15, 2001
3.	Jaish-e-Muhammad (JeM)	January 22, 2002
4.	Lakhar-e-Taeba (LeT)	January 22, 2002
5.	Sepah-e-Sahaba Pakistan (SSP)	January 22, 2002
6.	Tehreek-e-Jaafria Pakistan (TJP)	January 22, 2002
7.	Tehreek-e-Nifaz-e-Shariat-e-Mohammad (TNSM)	January 22, 2002
8.	Tehreek-e-Islami	January 14, 2002
9.	Al Qaeda	March 18, 2003
10.	Millet-e-Islami Pakistan (Ex-SSP)	November 15, 2003
11.	Khuddam-ul-Islam (Ex JeM)	November 15, 2003
12.	Islami Tehreek Pakistan (Ex-TJP)	November 15, 2003
13.	Jamiat-ul-Ansar	November 20, 2003
14.	Jamiat-ul-Furqan	November 20, 2003
15.	Hizbut Tehrir	November 20, 2003
16.	Khair-un-Nas International Trust	November 29, 2004
17.	Balochistan Liberation Army (BLA)	April 12, 2006
18.	Islamic Students Movement of Pakistan	August 30, 2006
19.	Lashkar-e-Islam	August 22, 2008
20.	Ansar-ul-Islam	August 22, 2008

21. Haji Namdar Group	August 22, 2008
22. Tehreek-e- Taliban Pakistan (TTP)	August 25, 2008
23. Balochistan Republican Army (BRA)	October 2, 2010
24. Balochistan Liberation Front (BLF)	October 2, 2010
25. Laskhar-e-Balochistan (LeB)	October 2, 2010
26. Balochistan Liberation United Front (BLUF)	October 2, 2010
27. Balochistan Muslla Defa Tanzeem (BMDT)	October 2, 2010
28. Shia Tulaba Action Committee	April 16, 2011
29. Markaz Sabeel Organizations	April 16, 2011
30. Tanzeem Naujawana-e-Ahle Sunnat (TNA)	April 16, 2011
31. Peoples Aman Committee	April 16, 2011
32. Ahle Sunnat Wal Jamaat (ASWJ) (ex SSP)	February 15, 2012
33. Al Harmain Foundation (AHF)	March 6, 2012
34. Rabita Trust (BT)	March 6, 2012
35. Anjuman-e-Imamia Gilgit Baltistan	April 24, 2012
36. Muslim Students Organization (MSO)	April 24, 2012
37. Tanzeem Ahl-e-Sunnat Wal Jamaat, Gilgit Baltistan	September 7, 2012
38. Balochistan Bunyad Parast Army	September 7, 2012
39. Tehreek Nafaz-e-Aman	September 7, 2012
40. Tahafuz Hadudullah	September 7, 2012
41. Balochisan Waja Liberation Army	September 7, 2012
42. Baloch Republican Party Azad	September 7, 2012
43. Balochistan United Army	September 7, 2012

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44. Islam Mujahidin	September 7, 2012
45. Jaish-e-Islam (JI)	September 7, 2012
46. Balochistan National Liberation Army	September 7, 2012
47. Khana-e-Hikmat Gilgit Baltistan	March 13, 2013
48. Tehrik-e-Taliban Swat (TTS)	March 15, 2013
49. Tehrik-e-Taliban Mohmand (TTM)	March 15, 2013
50. Tariq Geedar Group (TGG)	March 15, 2013
51. Abdullah Azam Brigade	March 15, 2013
52. East Turkmenistan Islamic Movement (ETIM)	March 15, 2013
53. Islamic Movement of Uzbekistan (IMU)	March 15, 2013
54. Islamic Jihad Union (IJU)	March 15, 2013
55. 313 Brigade	March 15, 2013
56. Tehrik-e-Taliban Bajaur (TTB)	March 15, 2013
57. Amar bil Maroof Wa Nahi Anil Munkir	March 15, 2013
58. Baloch Students Organizations Azad (BSO-A)	March 15, 2013
59. United Baloch Army (UBA)	March 15, 2013
60. Jeay Sindh Muttahida Mahaz (JSMM)	March 15, 2013
61. Islamic State (IS)	August 27, 2015

ANNEX VI: LAWS PERTAINING TO MINORITIES

Hindu Disposition of Property Act 1916

An Act to remove certain existing disabilities in respect of the power of disposition of property by Hindus, for the benefit of persons not in existence at the date of such disposition. Subject to the limitations and provisions specified in this Act, no disposition of property by a Hindu, whether by transfer inter vivos by will, shall be invalid by reason only that any person for whose benefit it may have been made was not in existence at the date of such disposition.¹²

Hindu Gains of Learning Act 1930

An Act to remove doubt as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning. In this Act, unless there is anything repugnant in the subject or context, “acquirer” means a member of a Hindu undivided family, who acquired gains of learning; “gains of learning” means all acquisitions of property made substantially by means of learning, whether such acquisitions be made before or after the commencement of this Act and whether such acquisitions be the ordinary or the extraordinary result of such learning; and “learning” means education, whether elementary, technical, scientific, special or general, and training of every kind which is usually intended to enable a person to pursue any trade, industry, profession or a vocation in life.³

Hindu Inheritance (Removal of Disabilities) Act 1928

An Act to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs, and to remove certain doubts. Notwithstanding any rule of Hindu Law or custom to the contrary, no person governed by the Hindu Law, other than a person who is and has been from birth a lunatic or idiot, shall be excluded from inheritance or from any right or share in joint-family property by reason only of any disease, deformity or physical or mental defect.⁴⁵

¹ THE HINDU DISPOSITION OF PROPERTY ACT, 1916. Retrieved May 06, 2016, from <http://punjab-laws.gov.pk/laws/64a.html>.

² The Hindu Disposition of Property Act, 1916. Retrieved May 06, 2016, from <http://pakistancode.gov.pk/english/UY2FqaJw2-apaUY2Fqa-apic-sg-jjjjjjjjjjjj-con-2718>.

³ THE HINDU GAINS OF LEARNING ACT, 1930. Retrieved May 06, 2016, from <http://www.iris-punjab.gov.pk/chartsShowing.aspx?lnk=http://202.166.162.26:8929/Items/Law/THE%20HINDU%20GAINS%20OF%20LEARNING%20ACT,%201930.pdf>

⁴ THE HINDU INHERITANCE (REMOVAL OF DISABILITIES) ACT, 1928. Retrieved May 06, 2016, from <http://punjablaws.gov.pk/laws/139a.html>.

⁵ THE HINDU INHERITANCE (REMOVAL OF DISABILITIES) ACT (1928). Retrieved May 06, 2016, from <http://displacementsolutions.org/wp-content/uploads/THE-HINDU-INHERITANCE-REMOVAL-OF-DISABILITIES-ACT-1928.pdf>.

Hindu Law of Inheritance (Amendment) Act 1929

An Act to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate.⁶

Hindu Marriage Disabilities Removal Act 1946

An Act to remove certain disabilities and doubts under Hindu Law in respect of marriages between Hindus.

Hindu Married Women's Right to Separate Residence and Maintenance Act 1946

An Act to give Hindu married women a right to separate residence and maintenance under certain circumstances.⁷

Hindu Widows Re-Marriage Act 1856

The Hindu Widows' Remarriage Act XV of 1856 was passed which enabled widows to marry again. An Act to remove all legal obstacles to the marriage of Hindu Widows.⁸

Hindu Women's Rights to Property Act 1937

An act to amend the Hindu Law to give better rights to women in respect of property.⁹

Sindh Hindu Heirs Relief Act 1866

An act to limit the liability of a son, grandson or heir of deceased Hindu for the debts of his ancestor, and the liability of the second husband of Hindu widow for the debts of her deceased husband, and otherwise to amend the law of debtor and creditor.¹⁰

(PDF2002)Protection of Communal Properties of Minorities Communities Rules 2003

⁶ THE HINDU LAW OF INHERITANCE (AMENDMENT) ACT, 1929. Retrieved May 06, 2016, from <http://punjablaws.gov.pk/laws/141a.html>.

⁷ THE HINDU MARRIED WOMEN'S RIGHT TO SEPARATE RESIDENCE AND MAINTENANCE ACT, 1946. Retrieved May 06, 2016, from <http://pakistancode.gov.pk/english/UY2FqaJw2-apaUY2Fqa-cJed-sg-jjjjjjjjjjjj-con-2254>.

⁸ Hindu Widows Re-marriage Act, 1856. Retrieved May 06, 2016, from <http://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apc%3D-sg-jjjjjjjjjjjj>.

⁹ THE HINDU WOMEN'S RIGHTS TO PROPERTY ACT, 1937. Retrieved May 06, 2016, from <http://pakistancode.gov.pk/english/UY2FqaJw2-apaUY2Fqa-b5%20V-sg-jjjjjjjjjjjj-con-1535>.

¹⁰ SIND ACT No. VII OF 1866. Retrieved May 06, 2016, from <http://sindhlaws.gov.pk/setup/publications/PUB-14-000090.pdf>.

Any person intending to purchase, sell or transfer any property shall apply to the Government, for the grant of N.O.C., giving all relevant detail of particulars and information. Such person shall also provide any other information or documents as may be required by the Government for processing of his application. Here, "Government" means the Federal Government in the Ministry of Minorities, Culture, Sports, Tourism and Youth Affairs.

Protection of Communal Properties of minorities Ordinance 2001

It is to protect the properties of minority communities meant for their communal use.¹¹ It provides for ban on sale or transfer of minority communities' properties. "Property" in this ordinance means places of worship, monasteries, seminaries, vicarages, dharamshalas, goashalas, burial places, community centres, as well as social welfare, educational, health and recreational institutions meant for communal use of minority communities. Also includes side buildings, vacant places, lands, residential places or offices annexed to said properties.¹²

Christian Marriage Act 1872

An Act to consolidate and amend the law relating to the solemnization of the marriage of persons professing the Christian religion.¹³

Parsi Marriage and Divorce Act 1936

An Act to amend the law relating to marriage and divorce among Parsis.^{14 15}

¹¹ PROTECTION OF COMMUNAL PROPERTIES OF MINORITIES ORDINANCE, 2002. Retrieved May 06, 2016, from <http://pakistancode.gov.pk/english/UY2FqaJw2-apaUY2Fqa-apaUY2Frb-Z4=-sg-jjjjjjjjjjjj-con-9739>.

¹² Protection of Communal Properties of Minorities Ordinance, 2001 (No. 5 of 2002). Retrieved May 06, 2016, from http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=63797&p_classification=01.05.

¹³ CHRISTIAN MARRIAGE ACT, 1872. Retrieved May 06, 2016, from <http://www.punjabcode.punjab.gov.pk/public/dr/CHRISTIAN%20MARRIAGE%20ACT,%201872.doc.pdf>.

¹⁴ ACT NO.: III OF 1936. Retrieved May 06, 2016, from <http://www.clcbd.org/law/171.html>.

¹⁵ An Act to amend the law relating to marriage and divorce among Parsis. Retrieved May 06, 2016, from http://bdlaws.minlaw.gov.bd/pdf_part.php?id=168.

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The NAP Tracker is an attempt to empirically deconstruct the government progress on National Action Plan (NAP), and try and determine if it is sufficient, comprehensive and most importantly, effective. The report also calls upon a range of experts, columnists and researchers to weigh in on the various themes related to the NAP.

The logo for the Center for Research & Security Studies (CRSS) features the acronym 'CRSS' in a bold, sans-serif font. The letters are positioned in the center of a circular graphic composed of several concentric, overlapping curved lines that create a sense of depth and movement, resembling a stylized globe or a series of waves. The entire logo is rendered in a dark blue or teal color against a dark grey background.

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