

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.

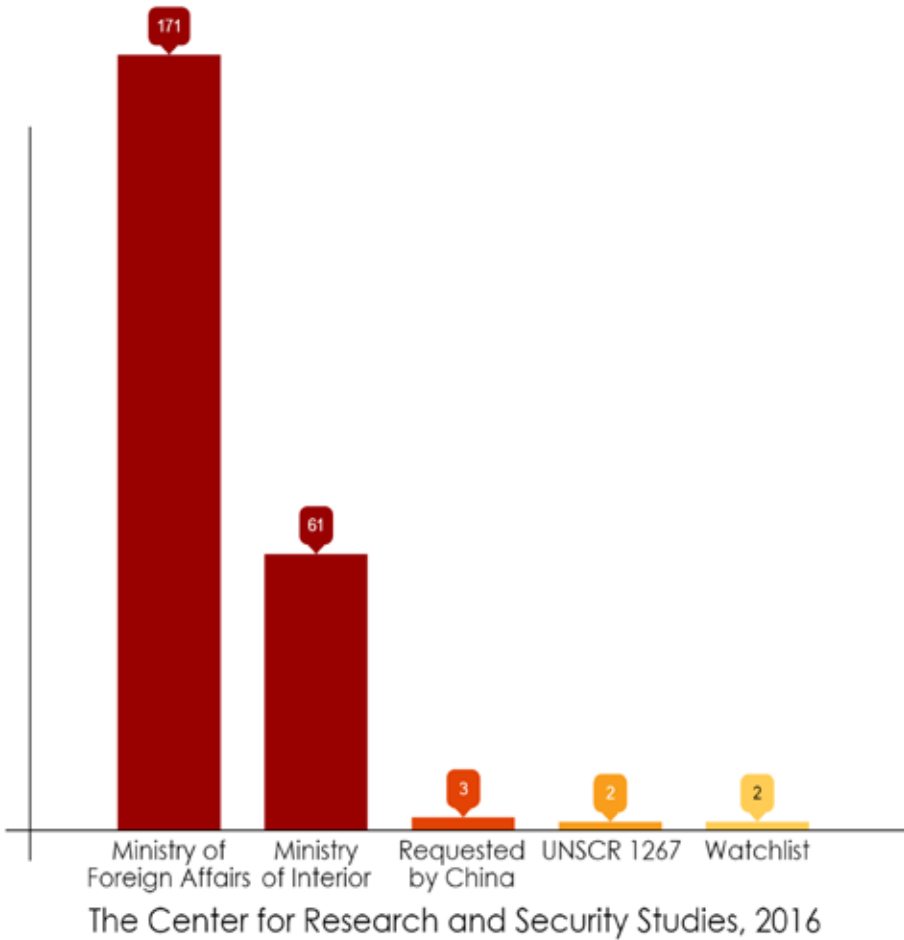
3.2 List of Proscribed Organizations in Pakistan

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

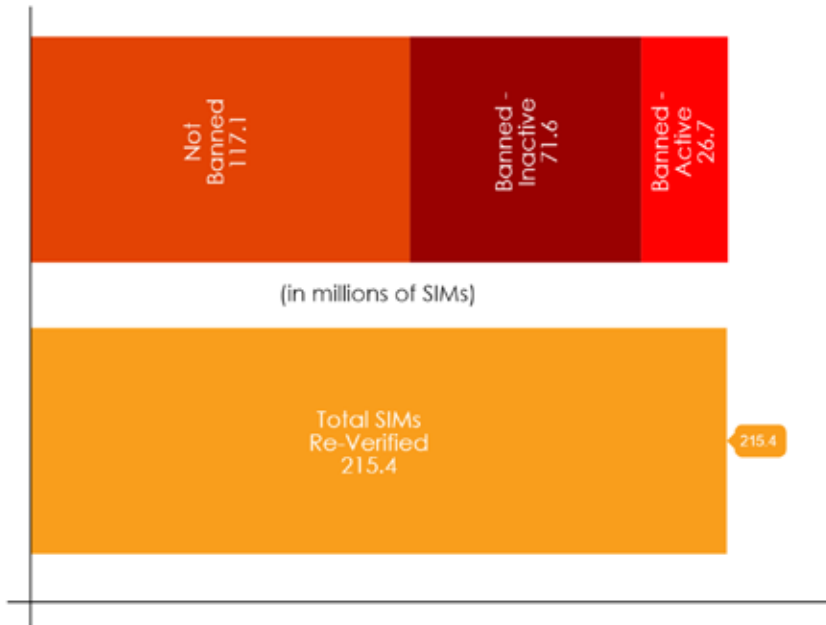
The Ministry of Interior believes that most proscribed organizations do not have radical annexes and the ministry does not intend to take action against such groups. It would be illogical to instantaneously act against all banned outfits, it said.¹⁴ Under the National Action Plan, only one organization, 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/>.

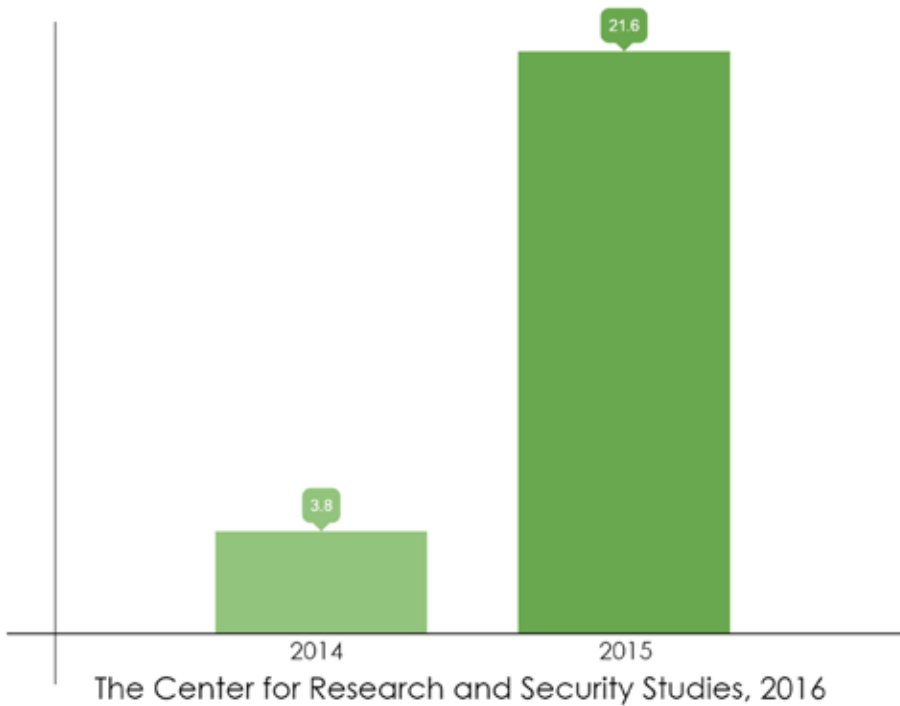
²¹ AFP. (2015, November 03). PEMRA orders blackout of proscribed groups - The Express Tribune. Retrieved March 02, 2016, from <http://tribune.com.pk/story/984060/media-coverage-pemra-orders-blackout-of-proscribed-groups/>.

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.

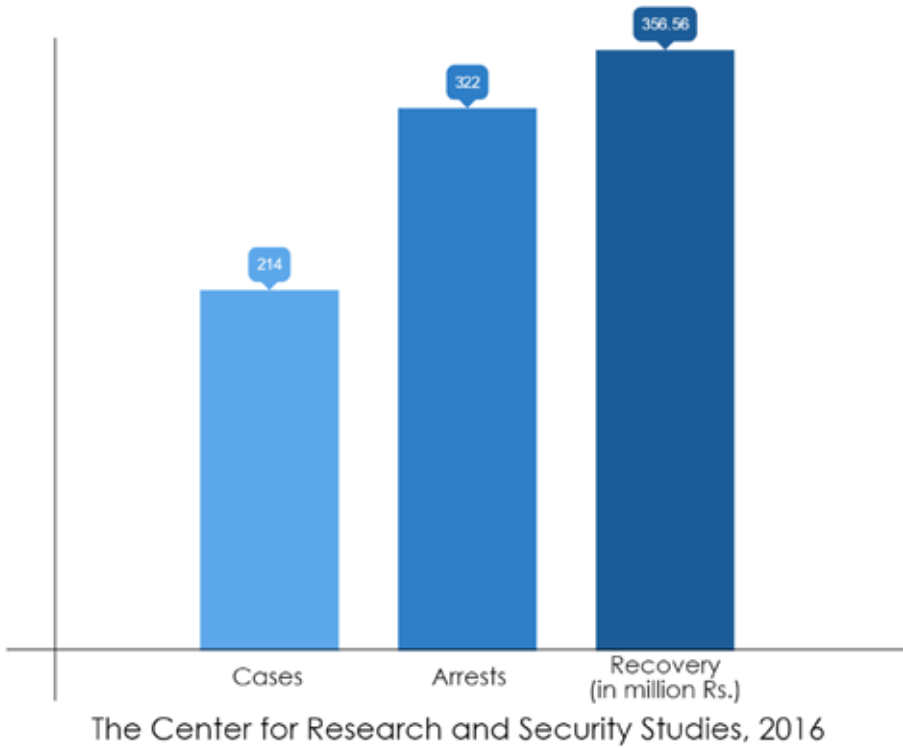
⁴⁸ (2016, January 13). Pathankot attack probe: Pakistan arrests 12 Jaish-e-Mohammed terrorists. Retrieved May 05, 2016, from <http://www.firstpost.com/india/pathankot-attack-investigation-pakistan-arrests-twelve-jaish-e-mohammed-terrorists-2582334.html>.

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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