



# electionswatch

Nov 2023

## Introduction

The uncertainty surrounding the upcoming national elections was partly laid to rest in early November when—following a consultation between the ECP and President Arif Alvi at the behest of the Supreme Court—the Election Commission of Pakistan (ECP) announced that the polls would be held on 8 February 2024. Nonetheless, rumours of delays in the elections continued to circulate during the month, ending with two peculiar petitions from Balochistan asking the ECP to postpone the elections for different reasons. The ECP declared on its social media account, however, that these rumours were unfounded.

Political commentators drew attention to the lacklustre pre-election environment, despite the return of PML-N leader Mian Nawaz Sharif from his self-imposed exile. The Human Rights Commission of Pakistan (HRCP) believes that this is partly because the political situation is unique: at this stage, more than one ‘king’s party’—the PML-N and Istehkam-i-Pakistan Party (IPP)—is being touted as a ‘selected’ victor. This is cause for concern because it will undermine the small democratic gains that Pakistan has taken decades to make.

In other developments, the ECP asked the PTI to hold intra-party elections if it wanted to retain its symbol of a cricket bat, while the party struggled to elect a new chairperson to be able to contest the February polls. There was also debate around the possible rollback of the 18th Amendment as well as the National Finance Commission formula in light of news emanating from the PML-N, a major power contender appearing to take the same position as that articulated by powerful circles in the country’s military establishment.

As in previous months, freedom of assembly and expression were curtailed—party leaders were prevented from campaigning, political leaders were arrested and rearrested, some were forcibly disappeared and others

## Crackdown on political parties and hindrances to campaigning

stopped from attending protests. While the events of 9 May were the key context for these rights violations, parties other than the PTI were also subjected to such curbs.

A controversial interview with Khawar Maneka, the ex-husband of Bushra Bibi, former prime minister Imran Khan's wife, was seen as a new low in political discourse and served as a sharp reminder of the brazen control exerted over the media. However, Geo News denied that it was under any kind of pressure to do the interview.

According to two disturbing reports shared with the press by PTI sources, former MNA Amjad Khan Niazi from Mianwali was allegedly subjected to torture by state agencies, while the home of a former PTI lawmaker in Bajaur was raided by the police, who also detained his nine-year-old son, a child with special needs. The police denied these claims.

The gender gap in the electoral rolls remained another matter of concern.

**The PTI continued to bear the brunt of state-sanctioned crackdowns on party leaders and workers, amid violations of their right to liberty and freedom of assembly.** The events below are listed in chronological order.

Two prominent former PTI leaders were arrested in early November, including former National Assembly speaker Asad Qaiser[1] and former minister Fawad Chaudhry. [2]The PTI also alleged that the Karachi police had detained eight of its workers in Korangi, whose whereabouts were not known even to their families.[3]

The Lahore police launched a fresh crackdown on PTI workers, allegedly after a new list of 884 PTI workers was circulated to all 84 police stations of the city.[4]Over 90 PTI workers were arrested in the first ten days of November. PTI leader Afzaal Azeem Pahat's brother and son were also arrested on charges of having been involved in the 9 May riots.[5] The PTI was also forced to cancel a demonstration in Karachi—its first large political event since 9 May—after a police crackdown resulted in the arrests of over 50 workers, who were allegedly released after signing 'affidavits' that they would no longer take part in PTI activities.[6]

Fresh charges were lodged against PTI leaders Yasmin Rashid and Omar Sarfaraz Cheema, who are already imprisoned on multiple charges linked to the 9 May riots. [7] The PTI's central Punjab chapter had to cancel a workers' convention, citing the purported threat of police action against its party workers.[8]

Former PTI MPA Shaukat Ali Yousafzai was offloaded from a flight heading to Saudi Arabia at Peshawar's Bacha Khan International Airport,[9] while former National Assembly speaker Asad Qaiser, having just secured bail from an anti-corruption court, was rearrested in a 9 May case registered in Charsadda district.[10] In what appears to be a matter of great concern, the PTI claimed that one of its incarcerated leaders, Amjad Khan Niazi, had been brutally tortured by unidentified people; the police denied the allegation.[11] Meanwhile, the Lahore deputy commissioner ordered PTI supporter Khadija Shah to be detained for a further 30 days under the Maintenance of Public Order Ordinance.[12]

PTI activists held workers' conventions in different districts of Khyber Pakhtunkhwa while the police launched crackdowns against them in Swat and Upper Dir, arresting scores of party workers.[13] The police also lodged an FIR on charges of terrorism and sedition against 2,500 PTI workers after the party's Malakand division organised a workers' convention in Khwazakhela tehsil.[14] In a disturbing report shared by PTI sources, a former PTI lawmaker accused the Bajaur police of raiding his house and taking away his nine-year-old son, a child with special needs. The police confirmed the raid on Gul Zafar Khan's residence but denied that his son had been arrested.[15]

Other political parties and movements also faced violations of their right to freedom of movement. The chairman of the National Democratic Movement and former MNA Mohsin Dawar was taken into custody by law enforcement agencies in Quetta on 9 November and stopped from travelling to Chaman to join a sit-in against new border-crossing laws and regulations announced by the national apex committee. Mr Dawar was sent back to Islamabad.[16] Soon after, local JI leader Maulana Hi-dayatur Rehman Baloch (leader of the Gwadar-based Haq Do Tehreek) was stopped from visiting Chaman to express solidarity with the ongoing protest.[17] In another instance,

## The role of the media amid controls

## Political developments

former MNA and Pashtun Tahaffuz Movement leader Ali Wazir was arrested in Dera Ismail Khan on his way to Quetta, although the local SHO denied the report.[18]

The Sindh High Court suspended its earlier order lifting a ban on media coverage of the PTI and its leadership in the aftermath of the 9 May riots, after the Pakistan Electronic Media Regulatory Authority filed an intra-court appeal against the order.[19]

An interview with Khawar Maneka, aired by Geo News, made headlines because of its timing, with PTI leaders saying that the interview was tantamount to mud-slinging because the anchor had interrogated Mr Maneka concerning the circumstances of his separation from the former prime minister's wife.[20]

Some developments that appeared neutral had a bearing on the upcoming elections. For instance, former minister Asad Umar, who had resigned as the PTI's secretary-general in May, following the 9 May riots, resigned from the party's basic membership and said he was quitting politics altogether.[21]

The Supreme Court started hearing an appeal against a high court decision that had dismissed a petition challenging Balochistan's final population count in the 2023 census results. The petitioner claimed that the province's population was reportedly around 21.7 million until the final phase of the census. However, in its final report, the Pakistan Bureau of Statistics reported a far lower figure of 14.89 million. The petition argued that the higher initial figure would have added about ten National Assembly seats to Balochistan's share.[22]

After remaining dormant for seven years, Dr Tahirul Qadri's Pakistan Awami Tehreek announced it would take part in the national elections.[23] Subsequently, PTI leader Ali Nawaz Awan made a public appearance and announced that he was joining the IPP.[24]

In a major development, the PML-N hinted at 'making changes' to the 18th Amendment and thereby reshaping

the revenue distribution mechanism among the provinces in its manifesto. This was criticized by human rights observers as contravening the spirit of federalism.[25] The PPP also expressed apprehension that a multi-party coalition was being planned post-election, led by the PML-N, to roll back the 18th Amendment.[26]

A Lahore antiterrorism court indicted PTI leaders Yasmin Rashid, Ejaz Chaudhry and Rubina Jamil in a case of alleged vandalism of police vehicles and assault of police personnel.[27]

After months of uncertainty, the ECP announced that the general elections would be held on 8 February 2024. The announcement came after a meeting between President Arif Alvi and Chief Election Commissioner Sikandar Sultan Raja, who visited the presidency with other ECP members, on the orders of the Supreme Court, which had taken up pleas regarding the elections.[28]

The ECP also ordered the PTI to hold intra-party elections within 20 days to retain its election symbol of a cricket bat. Earlier in August, the ECP had issued a final warning to the PTI to hold polls, warning that the party could be declared ineligible to obtain an election symbol if it did not do so. [29] The ECP's position was criticized as being partisan, not just by the PTI but also by sections of the press.[30]

Two petitions, both from Balochistan, were submitted to the ECP, asking that the elections be postponed on the grounds of security concerns and snowfall (affecting voters' mobility) in various districts.[31]

The caretaker government's decision to increase the salaries and benefits of senior bureaucrats in management positions by 45 percent was criticized as falling beyond its purview.[32] In another development, PPP Senator Mian Raza Rabbani said that the four-month budget passed by the Punjab caretaker government was unconstitutional.[33]

Various political parties have complained about the absence of a 'level playing field' in the country, including the PTI, PPP, ANP and Grand Democratic Alliance in Sindh. However, in a television interview, the caretaker prime

## Conduct of ECP

## Conduct of caretaker governments

minister said that political parties were saying this ‘to build a narrative’ for their election campaigns. ANP spokesman Zahid Khan asked the ECP and caretaker government to provide a level playing field to all political parties to campaign unhindered. He said that the ANP would oppose banning the PTI in the elections and that the caretaker government had no authority to crack down on workers of one party.[34]

The caretaker government in Punjab filed an appeal in the Supreme Court against the decision of a five-member bench that had declared the trial of civilians under the Pakistan Army Act 1952 unconstitutional.[35]

In the ongoing debate around purported changes to the 18th Amendment, a member of the caretaker government, Waqar Masood Khan, called for revisiting the NFC award, which he claimed had ‘held Pakistan back’.[36]

The security situation in the country remained far from satisfactory, affecting Khyber Pakhtunkhwa and Balochistan in particular. Eight people, including two security personnel and six civilians, were killed and several others injured in a string of blasts in three districts of Khyber Pakhtunkhwa—North Waziristan, South Waziristan and Bajaur.[37] Three children were also killed and four injured in a mortar shell explosion in the Matkhoza area of Kurram district.[38]

The PTI expressed concern over terrorist attacks on security forces days after the announcement of the general election date. The statement came hours after nine terrorists were killed as security forces foiled a terrorist attack on the Mianwali Training Air Base. A day earlier, 17 soldiers and five civilians had been killed in various militant attacks in Gwadar, Dera Ismail Khan and Lakki Marwat.[39] In another incident, an explosion on the railway tracks between Sibi and Harnai left three passengers injured.[40] In yet another incident, two civilians were killed and 10 others injured in a suicide attack on a convoy of security forces in the Baka Khel area of Bannu in Khyber Pakhtunkhwa.[41]

In Balochistan, a sessions judge in Turbat ordered the police to register an FIR against Counter-Terrorism

## Law and order

Department (CTD) officials involved in the alleged extrajudicial killing of four men.[42] On 23 November, the CTD claimed to have killed four 'terrorists' in an intelligence-based operation.[43] However, the family of one of the victims, Balaach Mola Bakhsh, disputed the CTD's version and claimed he had been in custody since 29 October 29 and killed in a 'fake encounter'. Residents of Turbat took to the streets in large numbers to protest, reportedly causing much of the city to shut down.

## Military courts

Despite a Supreme Court judgment in October declaring the military trial of civilians unconstitutional, two former army officers, Major (Rtd) Adil Farooq Raja and Captain (Rtd) Haider Raza Mehdi, who operate popular YouTube channels, were sentenced to 14 and 12 years of jail, respectively, after a field general court martial for 'inciting sedition'. [44] Both persons live outside Pakistan and their trial was conducted in absentia.

A controversial resolution in support of military courts was passed on 13 November.[45] However, a few days later, putting their differences aside, the major political parties protested strongly against the resolution.[46] Owing to the strong protest and lack of quorum, the deputy chairman Mirza Muhammad Afridi adjourned the proceedings within minutes.

## Other electoral developments

A Human Rights Watch report pointed to a significant gender gap among registered voters, with 10 million more men than women registered out of a total of 127 million voters.[47] This implies that the concerns of millions of missing women voters will not be represented once a new government takes office.

The Human Rights Commission of Pakistan (HRCP)'s Working Group on the Pre-Election Environment comprises Hina Jilani, Naazir Mahmood, Asad Jamal, Saroop Ijaz, Zegar Sher, Jamila Gillani, Munizae Jahangir, Zia-ur-Rehman and Shahzada Zulfiqar. This bulletin was produced by HRCP's secretariat, with support from Maheen Pracha and Adeel Ahmad, under the direction of Farah Zia.

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