



# electionswatch

Oct 2023

## Introduction

Generally, the uncertainty surrounding an exact date for polling day has persisted as of the end of October, with different quarters alleging that powerful establishment circles were bent on delaying the general elections on one pretext or another. Political parties, civil society (especially groups monitoring the pre-election environment) and the media have remained apprehensive about the fairness of these elections and expressed concerns that the events of 9 May were being used to manipulate electoral outcomes. Some political parties, including the PTI and PPP have criticized the absence of a 'level playing field', given the return of PML-N leader Mian Nawaz Sharif from his self-imposed four-year exile. Election experts have also questioned the delimitation of constituencies on various grounds.

HRCP has been especially alarmed by egregious human rights violations in the form of the forcible disappearance and re-emergence of four political leaders, who held exclusive television interviews or press conferences and publicly distanced themselves from the PTI or eschewed politics altogether.

A positive development in October was the decision of a five-member bench of the Supreme Court declaring the military trial of 102 civilians arrested after the 9 May protests 'null and void'. The expansive scope of the judgment will likely disallow any other civilians from being tried under the Pakistan Army Act 1952.[1]

The use of enforced disappearances as a political engineering tool before an election represents a new low in the powerful establishment's playbook. Since the 9 May riots, at least four politicians have been forcibly disappeared (that is, detained but their whereabouts not disclosed, thus amounting to an enforced disappearance under international human rights law).

## Enforced disappearances

In October, they resurfaced and publicly announced their intention of leaving the party. No perpetrators were identified, much less held accountable.[2]

On 4 October, PTI leader Usman Dar, who had allegedly gone 'missing', resurfaced in an interview on Dunya TV. He spoke against the 9 May riots and announced that he was quitting the PTI and politics.[3] A few days later, on 7 October, PTI leader Sadaqat Ali Abbasi returned home after having been missing for a month. Earlier, on 3 October, an antiterrorism court in Rawalpindi had granted him bail on charges of attacking the military general headquarters in Lahore during the 9 May riots.[4] While social media commentators reported that Dawn News had resisted airing his interview post-release, it was finally broadcast on 10 October, in which Abbasi too announced he was quitting politics and distanced himself from the 9 May riots.

On 16 October, Farrukh Habib, another leader of the PTI who was said to have been arrested in Gwadar in September, resurfaced and announced at a press conference that he was leaving the PTI and joining the Istehkam Party Pakistan, a new political party formed by disaffected PTI leaders in June 2023. Habib called Imran Khan an 'irresponsible' leader who must be held accountable for the 9 May riots.[5]

The fourth such incident occurred on 21 October when Awami Muslim League chief Sheikh Rashid Ahmed, a strong PTI ally, reappeared in a television interview on Samaa TV after a 34-day disappearance. In the interview, Rashid insisted on his having a close relationship with the military and claimed that attempting to block the appointment of Chief of Army Staff General Asim Munir had been PTI chairman Imran Khan's 'biggest mistake'. [6]

On 25 October, former senator and senior lawyer Aitzaz Ahsan filed a constitutional petition in the Supreme Court under Article 184 (3) to 'challenge the illegal and unlawful practice of enforced disappearances' through senior lawyer Sardar Latif Khosa.[7]

## The role of the media

In all the incidents reported above, the media has faced severe criticism for allowing their platforms to be used for what clearly appeared to be forced exercises. The anchors who conducted these interviews came under fire and were compelled to clarify their position on social media. Several journalists denounced what they saw as escalating press censorship and likened the use of television interviews in this manner to 'confessional boxes'.<sup>[8]</sup>

## Conduct of ECP

There was significant criticism of the delimitation of constituencies from many quarters. FAFEN, for instance, stated that over one fifth of the total number of constituencies recently delimited (for the national and provincial assemblies) did not comply with Section 20(3) of the Elections Act 2017, exceeding the legal limit of a 10 percent variation in the population. Election experts have said that the Election Commission of Pakistan (ECP) has retained unequal constituencies as before, even though it had the option of creating constituencies across districts, through a recent amendment to the Act.<sup>[9]</sup> A further criticism was that, as the body responsible for delimitations, the ECP should not hear appeals against its own decisions and adjudicate on them.

On 1 October, a senior ECP official claimed that it would publish the final delimitations by 30 November. On 2 October, political activists expressed reservations over the preliminary delimitations of provincial assembly constituencies in Lower Dir and demanded that the ECP revert to the old arrangement.<sup>[10]</sup> The ECP justified the wide variation in population of various constituencies in its preliminary delimitations on 3 October, saying that parity had to be maintained only between populations of constituencies within a district, not within a province.<sup>[11]</sup>

On 7 October, new delimitations of provincial and national assembly constituencies in the districts of Dera Ghazi Khan and Rajanpur in Punjab raised concerns as the leaders of mainstream political parties in these divisions rejected the ECP's move.<sup>[12]</sup> On 8 October, just hours before the deadline expired for filing objections to proposed changes to the Election Rules 2017, the PPP apprised the ECP of its reservations over a new condition pertaining to election expenses.<sup>[13]</sup>

## Conduct of caretaker governments

The caretaker governments were accused of overstepping their mandate in at least two cases. In early October, the federal government announced that all undocumented foreigners in the country were to be expelled in the next 28 days—a call that was taken up with full force by the provincial caretaker governments, targeting vulnerable immigrants and refugees. While civil society and human rights organisations objected to this decision as violating international customary law, political activists pointed out that a caretaker government cannot possibly make a decision that is likely to impact millions of people residing in Pakistan.

On 11 October, the provincial government of Khyber Pakhtunkhwa approved amendments to the Muslim Family Laws Ordinance 1961 that sought to include an oath concerning the finality of Prophethood (PBUH) in marriage registration forms. Such decisions too are arguably the mandate of elected assemblies only.[14]

## Appointments and recruitments

The process of appointing serving military officers to posts in civilian institutions continued, putting any semblance of the credibility of elections at stake. On 2 October, the caretaker federal government approved the appointment of Lieutenant General Muhammad Munir Afsar as chairperson of the National Database and Registration Authority (NADRA).[15] On 14 October, the process of appointing serving military officers to the National Accountability Bureau (NAB) resumed with the induction of four senior army officials on the grounds that the anti-graft watchdog had additional workloads to contend with. The inductions were made days before the NAB filled the key positions of deputy chairman and prosecutor general. [16]

## Crackdown on political parties and hindrances to campaigning

Apart from the most obvious examples of political engineering, effected through the enforced disappearance of several political leaders and subsequent public disassociation from their party (see Enforced Disappearances above), other instances of crackdowns on political parties and hindrances to electoral campaigning were reported throughout the month. In general, the state's response towards the PTI's campaigning attempts has been a disproportionate one. On 2 October, in Bajaur, the local police lodged an FIR against five PTI workers,

including Nawagai tehsil council chairman Dr Khalilur Rehman, for arranging a rally in Mamond tehsil, on charges of violating Section 144 of the Code of Criminal Procedure.[17] On 5 October, the PTI moved the Peshawar High Court against the Khyber Pakhtunkhwa government for allegedly preventing its leaders and workers from canvassing in the province, including from holding rallies and gatherings for the forthcoming general polls.[18] On 7 October, the Lower Chitral police booked over 30 PTI workers on charges of criminal conspiracy to instigate people against the state and the government, creating 'hatred and enmity' in society.[19] On 13 October, the Peshawar High Court sought a detailed reply from the Khyber Pakhtunkhwa government to a petition filed by the PTI, accusing the government of preventing the party from canvassing and holding rallies.[20] On 14 October, the PTI condemned the incumbent government and civil administration for not even allowing its workers to hold protests in solidarity with Palestine.[21]

The security situation in Balochistan remained a key concern in terms of its implications for political workers' freedom of peaceful assembly. On 16 October, the Balochistan home and tribal affairs department prohibited public gatherings and rallies and banned people from blocking the main avenues and highways in the Red Zone across the province under Section 144 of the Criminal Procedure Code.[22] The following day, a case was registered against BNP-M leaders and workers for allegedly violating Section 144 and delivering 'objectionable' speeches.[23]

On 17 October, the PPP objected to the fact that the PML-N had been granted permission to hold a public meeting in Lahore, while its own application for similar permission was pending with the authorities.[24] On 19 October, the Islamabad High Court accepted PML-N chief Nawaz Sharif's pleas, granting him protective bail in the Avenfield and Al-Azizia cases until 24 October.[25] Sharif was serving a prison sentence when he was sent to London for medical treatment in 2019 but decided not to return. He was declared an absconder by the courts in Pakistan in 2020, but his return to Pakistan in October 2023 is believed to have been facilitated by the powerful establishment. Sharif returned on 21 October and addressed a rally at Lahore's Minar-e-Pakistan without any hindrance from the state.

On 21 October, two former provincial ministers were reportedly arrested while several others managed to escape as the police launched a fresh crackdown on PTI leaders in Khyber Pakhtunkhwa.[26] On 23 October, in Lahore, at least 80 PTI workers were arrested during an overnight crackdown, while the residence and offices of a local party leader and his family were raided in what appeared to be a bid to block a workers' convention that the party had planned after obtaining 'formal maiden permission' from the district administration.[27] Towards the end of October, the interior ministry approved the issue of red warrants for PTI leader Zulfi Bukhari while an antiterrorism court in Islamabad issued perpetual arrest warrants for over a dozen other PTI leaders in a case related to violence outside the Federal Judicial Complex in March 2023.[28]

Legislation continued to be used as a tool of political engineering. Towards the end of October, a special court set up under the controversial Official Secrets Act 1923 (and amended in 2023) indicted former prime minister Imran Khan and former foreign minister Shah Mehmood Qureshi in the 'cipher case', in which a diplomatic document allegedly went missing from Khan's possession. [29] Claiming that the trial judge had committed 'gross illegality' by framing the charge in absence of the main documentary evidence, PTI chairman Imran Khan approached the Islamabad High Court against his indictment in the cipher case.[30] As the PTI's political fortunes continued to wane, three senior PTI women leaders, Andleeb Abbas, Sadia Sohail and Sumaira Bokhari, also joined the Istehkam-i-Pakistan Party set up by former PTI leaders.[31]

After the Punjab caretaker government suspended Nawaz Sharif's sentence in the Al-Azizia reference, two major political parties—the PPP and PTI—took exception to this decision and termed it a transgression on the part of the provincial administration.[32]

While asking the ECP to announce an election date, the PPP accused the caretaker governments of political lopsidedness, claiming that PML-N chief was being accorded 'special treatment'. The party reminded the ECP that the result of a general election without the PTI in the running would not be acceptable to anyone.[33]

## Law and order, and security

The security situation in Wadh in Balochistan remained cause for serious concern. On 31 October, after several months of clashes, rival factions of the Mengal tribe accused each other of operating 'death squads' with state support. BNP-M leader Sardar Akhtar Mengal also staged a protest camp in Islamabad, alleging that the state continued to support armed groups as a means of eliminating political workers—a claim that the caretaker government has dismissed as political sloganeering.[34]

Former MNA Mohsin Dawar of the National Democratic Movement, who also spoke at the protest camp, said he feared that various armed groups were being allowed to establish 'autonomous domains' in parts of Khyber Pakhtunkhwa and Balochistan to influence the upcoming elections. Meanwhile, Mir Nadeemur Rehman, a leader of the rival Jhalawan Awami Panel accused Baloch nationalist leaders of weakening law and order with 'Indian support' because they feared political defeat in the elections.[35]

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.

## Endnotes

- [1] (<https://www.dawn.com/news/1783105>)
- [2] <https://www.dawn.com/news/1783811>
- [3] <https://www.dawn.com/news/1779295>
- [4] <https://www.dawn.com/news/1779739>
- [5] <https://tribune.com.pk/story/2441388/farrukh-habib-resurfaces-quits-pti>
- [6] <https://www.dawn.com/news/1782508>
- [7] <https://www.dawn.com/news/1783611>
- [8] <https://www.dawn.com/news/1780258/confessional-box>
- [9] <https://www.dawn.com/news/1779935/delimitation-blues>
- [10] <https://www.dawn.com/news/1778798>
- [11] <https://www.dawn.com/news/1779037>
- [12] <https://www.dawn.com/news/1779721>
- [13] <https://www.dawn.com/news/1779941>
- [14] <https://www.dawn.com/news/1780803>
- [15] <https://www.dawn.com/news/1778947/lt-gen-munir-afsar-appointed-nadra-chairman>
- [16] <https://www.dawn.com/news/1780998>
- [17] <https://www.dawn.com/news/1778797>
- [18] <https://www.dawn.com/news/1779338>
- [19] <https://www.dawn.com/news/1779691>
- [20] <https://www.dawn.com/news/1780723/phc-seeks-govts-reply-to-pti-plea-against-stopping-it-from-canvassing>
- [21] <https://www.dawn.com/news/1780914/pti-demo-for-palestinians-not-allowed-in-lahore>
- [22] <https://www.dawn.com/news/1781271>
- [23] <https://www.dawn.com/news/1781484/bnp-m-leaders-in-quetta-booked-for-violating-section-144>
- [24] <https://www.dawn.com/news/1781485>
- [25] <https://www.dawn.com/news/1783336>
- [26] <https://www.dawn.com/news/1782425>
- [27] <https://www.dawn.com/news/1783000>
- [28] <https://www.dawn.com/news/1783798>
- [29] <https://www.dawn.com/news/1783241#:~:text=ISLAMABAD%3A%20The%20Special%20Court%20on,hearing%20at%20Rawalpindi%20Adiala%20Jail.>
- [30] <https://www.dawn.com/news/1783799>
- [31] <https://www.dawn.com/news/1783449>
- [32] <https://www.dawn.com/news/1783531>
- [33] <https://www.dawn.com/news/1783790>
- [34] <https://www.dawn.com/news/1785116/senator-raza-rabbani-seeks-law-to-rein-in-intelligence-agencies>
- [35] <https://www.dawn.com/news/1785120/rivals-bring-wadh-dispute-to-capital-with-recriminations>