



electionswatch

Dec 2023

Introduction

Significant pre-election developments took place in the month of December 2023. Apprehensions about a possible delay in the elections persisted on one count or another, including deteriorating security and bad weather. In at least one case, the Supreme Court suspended a Lahore High Court ruling, which halted the deployment of members of the Punjab bureaucracy as election officers for the general election,[1] and ordered the Election Commission of Pakistan (ECP) to notify a schedule for the 8 February 2024 general elections to avert any delay. Indeed, many election-related battles continued to be fought in the courts rather than through mass election campaigns.

In this lackluster pre-election environment, the PTI commanded significant media attention amid claims of a high-handed state acting through the caretaker governments and ECP to prevent the elections from being conducted fairly. The PTI even lost its election symbol, a cricket bat, in response to a petition filed before the ECP questioning the validity of the former's intra-party elections. There was a constant stream of news declaring that PTI candidates' nomination papers were being seized and that the proposers, seconders and relatives of candidates were being abducted or arrested, mostly in Punjab. Nomination papers were rejected in large numbers across all parties in the first phase, but some parties and candidates were reportedly hit harder than others.

Human rights violations pertaining to freedom of assembly (through the imposition of section 144 of the Criminal Procedure Code and other means), freedom of expression and the right to fair trial continued to be reported. The de facto ban on mentioning the name of PTI chief Imran Khan in the electronic media and some newspapers remained in place although PEMRA has not reportedly issued a clear directive to this effect. The number of women candidates, both on general as well as reserved seats, stood depressingly low at 11 percent of the total.

In a five-one verdict, a larger bench of the Supreme Court, comprising six judges, suspended an earlier unanimous decision of a five-member bench that had disallowed the trial of civilians in military courts; the verdict was criticized heavily by civil rights observers.

As in previous months, politicians continued to announce they were exiting a particular party (the PTI in most cases) or politics altogether or joining one or the other 'king's party'. PTI supporter Khadija Shah's case reverberated through the month; a fresh money laundering case was lodged against her, following which she was taken to Quetta in a 9 May-related first information report (FIR) (in which she had not been nominated earlier). She was finally released towards the end of the month after more than six months of incarceration.

Another PTI leader, Shaukat Tarin, announced his resignation from membership of the PTI as well as from his seat in the Senate.[2] Former federal minister Humayun Akhtar Khan joined the Istehkam-e-Pakistan Party (IPP) and was appointed its senior vice-president. He had left the PTI six months earlier, having disagreed with the PTI over the handling of the 9 May riots.[3] Soon after resigning as the caretaker interior minister, Sarfaraz Bugti joined the PPP.[4]

National Party President Dr Abdul Malik Baloch warned against trading 'electables' between parties, which he said would add to the trust deficit in Balochistan and sabotage the political culture.[5]

In a major development, the ECP declared the intra-party election conducted by the PTI null and void and thus withdrew the party's chosen election symbol of a cricket bat.[6] The PTI challenged this decision in the Peshawar High Court and won a temporary legal victory when the court suspended the ECP's order. The court adjourned the case for hearing on 9 January 2024.[7]

In another key development, in an interim order passed by a majority of five-to-one, a six-member bench of the Supreme Court suspended an earlier unanimous decision of a five-member bench that had declared the trial of civilians in military courts 'unconstitutional'. [8]

Political developments

Crackdown on political parties: freedom of assembly and expression

The decision was widely criticized by the legal and human rights community as infringing on the right to fair trial.

In Mianwali, two candidates (PTI ticket aspirants) alleged that their nomination papers were seized by the police and unidentified men at the district court premises. The district police denied its involvement while Ziaullah Niazi, a retired judicial officer, whose son's papers had been seized, claimed that these were coercive measures aimed at pre-election rigging.[9]

The PTI accused the police and district administration of raiding the homes of its candidates, alleging that uniformed officials had also seized their nomination papers. The party claimed that the police had also arrested its candidates' proposers and seconders. Candidates Umair Niazi and Shaukat Mahmood Basra stated publicly that the Punjab police had forcibly taken away their nomination papers. PTI secretary-general Omar Ayub Khan urged the ECP to intervene and stop what he called 'illegal and engineered pre-poll rigging actions.' [10]

In other reports, former Punjab chief minister Chaudhry Parvez Elahi's wife, Qaisera Elahi, and her sister Sumaira Elahi, were not allowed to file their nomination papers by the police deployed at the office of the returning officer (RO) for NA-64.[11] Former information minister Fawad Chaudhry's brother was arrested when he tried to submit his brother's papers in Jhelum[12] while another PTI candidate was bundled into a police van in Chakwal when he reached the RO's office.[13]

The most talked-about case, both nationally and internationally, was that of well-known PTI supporter Khadija Shah who was still in detention when the Federal Investigation Agency lodged a money laundering probe against her. She was booked in another case lodged in Balochistan on charges of inciting violence during the 9 May riots and was taken from Lahore to Quetta by road, where an antiterrorism court granted custody of Shah to the police for three days.[14] Ms Shah became a test case for the government and was finally released on bail towards the end of the month after remaining incarcerated for over six months.[15]

Elsewhere, an FIR was registered against PTI leader Sher Afzal Khan Marwat along with 21 local leaders and workers

for organizing a workers' convention in Swabi, in violation of Section 144.[16]

Former speaker of the National Assembly and PTI leader Asad Qaiser was rearrested after securing bail from a district and sessions court in Mardan.[17] Former secretary of the Punjab Assembly Muhammad Khan Bhatti's nephew, Sajid Khan Bhatti (previously a provincial assembly candidate from Mandi Bahauddin) also declared his departure from the PTI and politics.[18] PTI leader and former provincial minister Shaukat Yousafzai was declared an absconder by a Shangla court.[19]

Manzoor Pashteen, leader of the Pashtun Tahaffuz Movement (PTM), was detained by the police in Chaman, following an exchange of fire in which both sides made conflicting claims. Pashteen was en route from Chaman to Turbat to address protestors at a sit-in in Turbat against extrajudicial killings.[20]

The Lahore High Court expressed its concern over a detention order issued for PTI social media activist Sanam Javed, despite her having secured bail in a case registered against Ms Javed in relation to the 9 May riots.[21] PTI senior vice-president Sher Afzal Marwat was arrested outside the Lahore High Court and transferred to Kot Lakhpat Jail.[22] He was subsequently released through a court order. A former PML-Q provincial assembly member, Shujaat Nawaz Ajnala, who later joined the PTI, was allegedly detained by law enforcement agencies in Malki village near Karianwal in Gujrat. He is reportedly the third former PTI lawmaker from Gujrat to have been detained. Local police said they were not aware of the incident.[23]

The mother of former PTI leader Usman Dar claimed that Khawaja Asif of the PML-N had orchestrated a police raid on their home in Sialkot, during which she was mistreated. [24] Both Mr Asif and the Sialkot police rejected these accusations. Mr Dar later posted a video of his mother on a social media platform, urging the chief justice of Pakistan to investigate the incident.[25] Mr Dar's brother, Umar Dar, was allegedly abducted in Lahore but later released.[26]

In Bahawalpur, law enforcement agencies raided and allegedly ransacked the residence of former PTI minister Chaudhry Samiullah.[27]

Electoral developments and conduct of ECP

PTI vice-chairman and former foreign minister Shah Mahmood Qureshi was released but rearrested at the prison gates of Adiala Jail in Rawalpindi in connection with a rioting case. Social media footage showed him being forcibly ushered into an armored vehicle. Earlier, a three-member Supreme Court bench had granted bail to Mr Qureshi and PTI chief Imran Khan in a case concerning the alleged misuse of a diplomatic cipher.[28]

In Chitral, the police booked 19 PTI leaders and arrested two of them for violating Section 144.[29] Likewise, in Bajaur, the local administration refused to allow the PTI's local leadership to hold a party workers' convention.[30]

According to the final list of constituencies for the national and provincial assemblies released by the ECP, the National Assembly comprises 266 general seats, 10 reserved seats for non-Muslims and 60 reserved seats for women, bringing the total to 336 seats. Balochistan has a total of 20 seats (16 general and four reserved for women), Khyber Pakhtunkhwa has 45 general seats and 10 reserved seats for women, Sindh has 75 seats (61 general seats and 14 reserved for women), Punjab has 141 general seats and 32 seats reserved for women, and the federal capital holds three general seats and no reserved seats for women.[31]

The MQM-P rejected the final delimitation list of national and provincial assembly constituencies notified by the ECP, while the Grand Democratic Alliance dubbed the revised constituencies in Sindh 'a rigged package prepared by the PPP' and demanded that the Sindh election commissioner be removed.[32] The IPP also had reservations about the role of the ECP and accused the chief election commissioner of being 'biased' and supporting 'just one party'.[33]

According to one news report, the fresh delimitations had 'dimmed' the prospects of electables securing seats in the elections in Khyber Pakhtunkhwa, given that some major alterations had been made to the provincial assembly constituencies in Mansehra district.[34] The ECP declared the PTI's intra-party polls 'unlawful' after about 15 petitioners challenged the polls, thereby withdrawing the party's electoral symbol of a cricket bat. The general political commentary considered this political victimization because the ECP was believed to have not taken a similar stance vis-à-vis other political parties.[35]

The PTI challenged the decision in the Peshawar High Court. The court adjourned the case for hearing on 9 January 2024.

PTI lawyers alleged that there were unnecessary and unlawful hurdles in the scrutiny of party leaders' nomination papers, including the requirement for them to be physically present.[36] Later, several PTI candidates had their nomination papers rejected. It is worth noting that the nomination papers of a number of candidates from other parties were also rejected. PTI secretary-general Omar Ayub Khan criticized these rejections as being 'politically motivated'.[37]

Earlier in the month, the PTI had challenged the ECP's decision to appoint district ROs, ROs and assistant ROs from the executive; the Lahore High Court suspended the ECP's notification. However, a Supreme Court bench subsequently suspended the Lahore High Court's 13 December order and ordered the ECP to notify a schedule for the general elections.[38]

After candidates' nomination papers had been filed, the press reported that only 11 percent of the total candidates were women.[39] Although this was a significant improvement over the last two general elections, women's rights bodies felt it was inadequate. The South Asia Partnership-Pakistan and Aurat Foundation called for an immediate increase in the proportion of reserved seats for women and proposed raising the quota to 33 percent through a constitutional amendment. They also pointed out that political party lists had neglected active women party workers, transgender individuals and persons with disabilities. They urged the incoming government to amend the Elections Act 2017 to mandate a minimum of 33 percent representation for women, youth, religious minorities and transgender individuals in political party structures. They were also of the view that, in constituencies with a female voter turnout below 20 percent, the results should be declared null and void.[40]

Law and order deteriorated further in December 2023, leading some quarters to suggest that the elections should be postponed. Nine people were killed and 25 injured in what was dubbed a terrorist attack on a passenger bus in Chilas, Gilgit-Baltistan.[41] In Khyber district, a police officer guarding a polio team was killed in an attack by

Women's participation

Security, law and order

militants. In response, security forces retaliated and killed one militant.[42] Khyber Pakhtunkhwa Governor Ghulam Ali acknowledged that it was hard to conduct political activities in both Khyber Pakhtunkhwa and Balochistan because of the security situation.[43]

Six people, including four children, were wounded in a blast on Warsak Road near Babu Garhi in Peshawar.[44] Four persons, including a local PML-N leader, were killed in an ambush in rural Islamabad.[45] In the Sohbatpur district of Balochistan, unidentified assailants armed with improvised explosive devices attacked a construction company's labour camp, killing one and injuring two police officers.[46]

In a series of deadly incidents in Dera Ismail Khan in Khyber Pakhtunkhwa, 25 soldiers lost their lives while 27 militants were killed on 11–12 December. The Tehreek-i-Jihad Pakistan, a new group linked to the TTP, claimed responsibility for the attack.[47] Following a hand grenade attack on the residence of former chief justice of Pakistan Saqib Nisar, the Punjab Counter-Terrorism Department lodged a case against unknown assailants under the Anti-Terrorism Act 1997.[48]

In Wana, South Waziristan, an armed attack by unidentified men resulted in the deaths of five labourers, with one person injured. The labourers were said to have been attacked while sleeping inside a tent near a police station under construction.[49] A passenger bus travelling from Peshawar to Parachinar in Hangu was attacked by unidentified assailants, resulting in the deaths of two passengers and leaving four others injured.[50]

A child was killed and another injured when a bomb exploded in Machh, Balochistan, near the Machh police station.[51] Suspected militants torched a government higher secondary school for girls in the Kotka Mambati Barakzai area of Bannu.[52]

The Human Rights Commission of Pakistan (HRCP)'s Working Group on the Pre-Election Environment comprises Hina Jilani, Khawar Mumtaz, 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.nation.com.pk/14-Dec-2023/lhc-halts-bureaucrat-deployment-for-elections-2024>
- [2] <https://www.thenews.com.pk/latest/1136325-former-finmin-shaukat-tarin-quits-pti>
- [3] <https://tribune.com.pk/story/2450210/ex-pti-leader-humayun-joins-ipp>
- [4] <https://www.dawn.com/news/1798894/ex-caretaker-interior-minister-sarfraz-bugti-joins-ppp>
- [5] <https://www.dawn.com/news/1798762/abdul-malik-baloch-warns-against-trade-of-electables-in-balochistan>
- [6] <https://www.nation.com.pk/23-Dec-2023/pti-ineligible-to-obtain-election-symbol-ecp>
- [7] <https://www.dawn.com/news/1801017/peshawar-high-court-hands-bat-back-to-pti>
- [8] <https://www.brecorder.com/news/40278400>
- [9] <https://www.dawn.com/news/1799546/papers-of-two-pti-ticket-aspirants-snatched-in-mianwali>
- [10] <https://www.nation.com.pk/21-Dec-2023/pti-accuses-police-admin-of-harassing-its-candidates>
- [11] <https://www.dawn.com/news/1800026/parvez-elahis-wife-her-sister-denied-entry-to-ro-office-to-file-papers-for-na-64>
- [12] <https://dunyanews.tv/en/Pakistan/779599-Former-Information-Minister-Fawad-Chaudhary/s-brother-arrested-in-Jhelum>
- [13] <https://tribune.com.pk/story/2450915/curious-case-of-snatched-nomination-papers>
- [14] <https://www.dawn.com/news/1797416/khadija-shah-remanded-in-quetta-police-custody>
- [15] <https://www.nation.com.pk/29-Dec-2023/khadija-shah-released-on-bail-in-may-9-riots-case>
- [16] <https://tribune.com.pk/story/2448801/ptis-sher-afzal-marwat-other-booked-for-violating-sec-144>
- [17] <https://www.thenews.com.pk/print/1134725-asad-qaiser-re-arrested-after-getting-bail>
- [18] https://e.dunya.com.pk/detail.php?date=2023-12-04&edition=LHR&id=7029506_41692461
- [19] <https://tribune.com.pk/story/2448952/shaukat-yousafzai-declared-absconder>
- [20] <https://www.dawn.com/news/1795155>
- [21] <https://www.dawn.com/news/1795112/lhc-concerned-at-detention-order-of-sanam-javed-after-bail>
- [22] <https://tribune.com.pk/story/2450012/1>
- [23] <https://www.dawn.com/news/1797645/former-gujrat-mpa-picked-up-days-after-pro-imran-video-clip>
- [24] <https://www.dawn.com/news/1799215>
- [25] https://e.dunya.com.pk/detail.php?date=2023-12-20&edition=LHR&id=7051429_40655888
- [26] <https://tribune.com.pk/story/2451627/dars-brother-abducted-from-lahore-pti>
- [27] <https://www.dawn.com/news/1800275/house-of-ptis-ex-lawmaker-couple-raided-family-harassed>

Endnotes

- [28] <https://tribune.com.pk/story/2451307/qureshi-released-re-arrested-manhandled>
- [29] <https://www.dawn.com/news/1800793/pti-leaders-held-in-chitral-over-unlawful-gathering>
- [30] <https://www.dawn.com/news/1796309/pti-denied-permission-to-hold-workers-convention-in-bajaur>
- [31] <https://www.dawn.com/news/1794582/after-muttahidagda-also-raises-concerns-over-final-delimitation>
- [32] <https://www.dawn.com/news/1794582/after-muttahidagda-also-raises-concerns-over-final-delimitation>
- [33] <https://www.dawn.com/news/1794838/jahangir-tareens-party-accuses-ecp-of-supporting-pml-n>
- [34] <https://www.dawn.com/news/1798695/pa-poll-candidates-upset-over-fresh-delimitation-in-mansehra>
- [35] <https://www.brecorder.com/news/40280093>
- [36] <https://tribune.com.pk/story/2451476/pti-lawyers-decry-illegal-scrutiny>
- [37] <https://www.dawn.com/news/1801992/pti-calls-rejection-of-nomination-papers-state-terrorism>
- [38] <https://www.dawn.com/news/1798241>
- [39] <https://www.dawn.com/news/1800719>
- [40] <https://www.dawn.com/news/1801986/women-bodies-demand-more-reserved-seats-in-assemblies>
- [41] <https://www.dawn.com/news/1794548/8-dead-26-injured-as-passenger-bus-comes-under-fire-before-hitting-truck-in-gbs-chilas-official>
- [42] https://e.dunya.com.pk/detail.php?date=2023-12-02&edition=LHR&id=7026564_28370427
- [43] <https://tribune.com.pk/story/2448845/staging-rallies-turning-harder-in-k-p-balochistan>
- [44] <https://www.thenews.com.pk/print/1135558-four-children-among-six-injured-in-peshawar-ied-blast>
- [45] <https://www.dawn.com/news/1795423/pml-n-leader-among-four-killed-in-islamabad>
- [46] <https://tribune.com.pk/story/2449277/one-killed-in-labour-camp-attack>
- [47] https://e.dunya.com.pk/detail.php?date=2023-12-13&edition=LHR&id=7041503_97373873
- [48] <https://www.dawn.com/news/1799742/ata-case-filed-against-attackers-of-ex-cjps-house>
- [49] https://e.dunya.com.pk/detail.php?date=2023-12-23&edition=LHR&id=7054780_82233699
- [50] <https://tribune.com.pk/story/2451227/at-least-two-passengers-dead-as-parachinar-bound-bus-comes-under-attack-in-hangu>
- [51] <https://tribune.com.pk/story/2451638/child-dies-as-bomb-explodes-in-balochistans-machh>
- [52] <https://www.dawn.com/news/1801703/militants-set-bannu-girls-school-on-fire>