



# electionswatch

Jan-Feb 2024

## Introduction

The Human Rights Commission of Pakistan (HRCP) began this exercise in September when it brought out the first issue of 'Elections Watch' to monitor and document the pre-election environment, reflecting its commitment to free, fair and credible elections. HRCP has released four such bulletins, which look at political and electoral developments from a human rights perspective. This is the fifth and last issue, which takes into account the conduct of all political stakeholders and rights violations across five weeks spread over January and February.

Recent months have witnessed significant political engineering and repression effected through arrests, intimidation and even enforced disappearances, legal battles, selective accountability, media controls, institutional decay, excesses committed by the caretaker governments, a sharp rise in militancy, and postponement of and uncertainty around the elections. Unsurprisingly, the whole exercise has seemed farcical. While the larger political parties have made some positive commitments to human rights in their manifestoes, including the right to education, healthcare, social welfare and employment, their release was needlessly delayed. HRCP will closely monitor the implementation of these commitments by whichever party comes to power.

The last five weeks were particularly significant. Unelected forces bent on manipulating the election results appeared unwilling to leave anything to chance. This period saw yet another Senate resolution asking for the elections to be postponed—the fourth such resolution. Perhaps the most pernicious blow to the PTI—the political party that has been at the receiving end of this vindictive campaign—was dealt when the Supreme Court upheld an Election Commission of Pakistan (ECP) decision to deprive the party of its election symbol. This was seen as a clear violation of the fundamental right to political participation, aimed at disenfranchising PTI voters. The decision was widely criticized by analysts and legal circles.[1]

## Political developments

Ten days prior to the elections, three court decisions in rapid succession collectively sentenced former prime minister Imran Khan to 31 years in jail, with additional sentences handed down to family members and associates. Serious questions have been raised about all three rulings, particularly their timing, which is said to have aimed at demotivating party voters.

HRCP has also received individual reports of posters and banners of various parties (including the PPP and PTI) being forcibly removed. Incidents of political repression, mostly reported in Punjab but also in other provinces, continued, of which the most serious was a complaint by former MNA and PTI leader Jamshed Dasti (see 'Crackdown on political parties: Freedom of assembly and expression'), even though the allegations were denied by the police. As of 24 hours before the elections, there were still reports of political campaigns continuing on social media.

Regardless of the outcome of these elections, HRCP takes this opportunity to remind all political stakeholders that unless they can commit to upholding civilian and parliamentary supremacy as well as the rule of law, their chances of resolving the myriad problems that weigh down ordinary citizens will be dim indeed.

The most significant political development that dealt a heavy blow to the PTI occurred when the Supreme Court set aside the 10 January order of the Peshawar High Court, effectively depriving the party of its iconic election symbol of a cricket bat. Earlier in December, the ECP had invalidated the PTI's intra-party polls while hearing complaints filed by disgruntled PTI members.[2]

The MQM-P accused Karachi Mayor Murtaza Wahab and town municipal corporations in Karachi of exerting their 'influence' on the electoral process by misusing their offices and government funds.[3]

Yet another Senate resolution sparked concerns about the polls being potentially postponed on the grounds of deteriorating security and cold weather preventing voters from reaching polling stations. The PPP and PTI issued show-cause notices to senators who had supported the resolution, citing violations of party policies.[4]

Former MPA and PTI leader Umer Tanveer Butt from Rawalpindi announced that he was exiting the party and politics altogether after being released on bail by an antiterrorism court.[5]

Four members of the well-known political Cheema family from Sargodha announced they were withdrawing from the elections—allegedly following pressure from the establishment—which they had intended to contest as independents, having disassociated from the PTI after the 9 May riots.[6]

On 3 February, Imran Khan claimed that a representative of the military establishment had indirectly approached his wife and asked her to convince him (Mr Khan) to stand down for three years, in return for which he would be allowed to re-enter politics based on ‘good conduct’.[7]

Earlier, in the ten days preceding the elections, three court decisions came in quick succession, involving Imran Khan, his close associates and family. In the first case, a special court set up under the Official Secrets Act sentenced both Mr Khan and former foreign minister Shah Mahmood Qureshi to ten years’ imprisonment for breach of state secrets.[8] The ECP disqualified Mr Qureshi from contesting elections for five years, effectively removing him from the electoral race days before the polls, following his conviction.[9] The following day, Mr Khan and his wife, Bushra Bibi, were sentenced to 14 years in jail by an accountability court on charges of corruption in the ‘Toshakhana reference’.[10] In his third conviction in the space of a week, Mr Khan and his wife were sentenced to seven years in jail after a hastily concluded trial on charges of contracting marriage during the iddat (period of waiting) of the former first lady.[11]

The PML-N and PPP traded allegations of vote buying after PML-N candidate Attaullah Tarar claimed he had caught three people allegedly collecting voters’ CNICs at a PPP election office in Lahore, after paying them cash and soliciting an oath of allegiance from them. The PPP in turn alleged that a large crowd of PML-N workers led by Mr Tarar had forcibly entered its election office and kidnapped its workers.[12] A video circulating on social media reportedly showed Mr Tarar involved in buying votes, following which the ECP issued notices to both parties’ candidates.[13]

## Crackdown on political parties: Freedom of assembly and expression

In disturbing news, former MNA and PTI leader Jamshed Dasti accused Punjab Counter Terrorism Department officials of allegedly storming his house and stripping his wife naked. However, the Muzaffargarh police dismissed Mr Dasti's allegations as 'groundless.'<sup>[14]</sup>

Former PTI leader and MPA Malik Shafiullah was arrested by the Swat police on his way to Darul Qaza.<sup>[15]</sup> The police also arrested former PTI MNA Shabbir Ahmad Qureshi, who had long been in hiding, from the premises of the Lahore High Court's Multan bench.<sup>[16]</sup>

Pashtun Tahaffuz Movement (PTM) chief Manzoor Pashteen, who had been granted post-arrest bail by a sessions court in Islamabad, was re-arrested by the police soon after being released from Adiala Jail.<sup>[17]</sup>

The PTI's bid to launch its political manifesto and raise funds through a telethon was stymied by a blackout of social media sites throughout the country.<sup>[18]</sup>

After a potential PTI candidate from Sargodha, Abdullah Mumtaz Kahloon, went 'missing' from Islamabad International Airport, the Islamabad High Court issued directions that he be traced with the help of CCTV footage.<sup>[19]</sup>

Five Islamabad police officers were suspended after a preliminary inquiry into the raid conducted at the residence of PTI leader Gohar Ali Khan while he attending a Supreme Court hearing regarding the restoration of the party's electoral symbol. The Supreme Court subsequently took notice of the raid and summoned the police chief for further questioning.<sup>[20]</sup>

Former MPA and PTI candidate Malik Muhammad Akram Bhatti, along with his son and 40 others, were booked for hooliganism and threatening an assistant returning officer at the RO office for NA-135.<sup>[21]</sup>

PTI senator Falak Naz was stopped from travelling abroad at Islamabad International Airport.<sup>[22]</sup> The police also arrested Khalid Gujjar, a prospective Punjab Assembly candidate, in connection with a case registered against him following the 9 May riots.<sup>[23]</sup>

PTI officials claimed that a fake website resembling their official platform for providing information on party-backed independent candidates had surfaced, giving voters inaccurate details not verified by the ECP.[24]

In a raid at the residence of veteran political leader Javed Hashmi, police detained his son-in-law Zahid Hashmi on the day he was organising a PTI convention in Multan.[25] Former federal minister and PTI leader Hammad Azhar also said that his elderly father, former Punjab governor Mian Azhar, was arrested by the police prior to an election rally. [26]

The Karachi police registered a case against PTI workers and leaders on charges of terrorism for engaging in vandalism during an unauthorised assembly in Clifton. The PTI leadership was also accused of hate speech against the police.[27]

PTI general secretary Salman Shinwari was allegedly abducted by unknown persons in Kohat while electioneering for a party candidate. According to his father, the police did not know anything about his 'missing' son.[28]

PTI workers Sanam Javed and Muhammad Tanveer were granted bail by an antiterrorism court in Lahore in connection with an arson case. Ms Javed was subsequently arrested by the police in another case registered against her in Lahore.[29]

PTI supporters clashed with police in Rawalpindi as the police detained over 25 PTI workers for violating Section 144 and resisting arrest.[30] A case was also filed against PTI leaders for violating Section 144 and causing harm to a police official during attempts to organise a procession in Quetta.[31]

Just before a PTI general body meeting in Islamabad, police and security officials in plainclothes allegedly raided the party's central secretariat, preventing members from entering the premises. However, the capital police denied the allegation, saying that the police had only been present for security purposes.[32]

The Lahore High Court ordered the Pakistan Electronic Media Regulatory Authority (PEMRA) to ensure that PTI chief Imran Khan as well as candidates of all political parties were given free access to media platforms in the run-up to the elections.[33] Responding to a question from the press regarding the alleged victimisation of PTI leaders and workers before the elections, the caretaker minister Murtaza Solangi called the allegations 'baseless and absurd'.[34]

The Karachi police arrested another 39 PTI workers in connection with rioting, violence against the police and vandalism.[35] The police arrested former provincial minister and PTI leader Yousuf Ayub Khan and shifted him to an undisclosed location, claimed party sources. He was on his way to Haripur after addressing a public meeting organized for his brother, also a PTI candidate.[36]

The police prevented PTI-backed candidate Shahzada Gustasap Khan from holding a public gathering in Torghar. Mr Gustasap's convoy was halted by the police at a check-post en route. The convoy was later allowed to proceed but the public gathering could not be held.[37]

The PTI received another blow when returning officers rejected the nomination papers of 11 former lawmakers. Six former PTI legislators, including Bashir Khan and Syed Mehboob Shah, were among those who could not clear the scrutiny process in Lower Dir.[38]

Election tribunals issued notices to the ECP and others on appeals filed by prominent figures, including PTI vice-chairman Shah Mahmood Qureshi and Sindh president Haleem Adil Sheikh, whose nomination forms were rejected by returning officers. Over 200 candidates challenged the rejection of their nomination papers before the tribunals, with the total number of election appeals exceeding 300 in the last three days. Arguments included claims that rejections lacked sufficient reason, were politically motivated and violated fundamental rights.[39]

The appellate election tribunals rejected the appeals of PTI leaders Fawad Chaudhry and Murad Saeed, challenging the rejection of their nomination papers. Mr Chaudhry's appeal was dismissed by the appellate tribunal of the Lahore High Court's Rawalpindi bench.[40]

## Barriers to filing nomination papers

An election tribunal upheld the rejection of Imran Khan's nomination papers for seats in Lahore and Mianwali, leading to his exclusion from the elections. The tribunal emphasized that Mr Khan's conviction in the Toshakhana case rendered him ineligible to contest the election.[41]

BNP-M president Sardar Akhtar Mengal alleged that obstacles—including the rejection of many of his party candidates' nomination papers—aimed to keep the party out of the elections.[42]

A three-judge bench of the Supreme Court ruled that electoral laws must be interpreted by the courts in favour of enfranchisement rather than disenfranchisement, such that the aim of prescribing candidates' qualifications and disqualifications under Articles 62 and 63 of the Constitution would 'maintain the integrity and effectiveness of the political process.'[43]

**The PTI alleged that its websites were blocked in Pakistan and demanded an explanation from the federal authorities.** Unable to use its electoral symbol, the PTI fielded independent candidates with different symbols. To resolve voter confusion, the party launched an online portal and introduced a feature on Facebook to provide PTI candidate information. However, attempts to access PTI websites were unsuccessful without a VPN. The caretaker government attributed internet outages to technical issues and system upgrades, with warnings of potential disruptions for the next few months.[44]

Caretaker Minister for Information Murtaza Solangi claimed there was no possibility of an internet shutdown on 8 February, adding however that local administrations had the authority to decide otherwise in light of the law-and-order situation. His remarks followed an internet disruption on 20 January, which affected a virtual event organised by the PTI. The disruption was termed a 'technical fault' by the Pakistan Telecommunication Authority.[45] A similar disruption occurred on 7 January during a PTI fundraising telethon.

Balochistan Information Minister Jan Achakzai said that internet services would be temporarily restricted in sensitive polling booths located in various areas of Balochistan.[46]

## Connectivity and the right to information



## Conduct of caretaker governments

The Sindh High Court upheld its 24 January stay order directing the authorities to provide uninterrupted internet service—including mobile internet service—across the country until the elections. The stay order followed a petition by independent candidate and activist Jibrán Nasir against the frequent suspension of internet services ahead of the elections.[47] As of 6 February, the official PTI website had remained inaccessible for almost a week, including reportedly a telephone helpline the party had launched to facilitate voters ahead of the elections.[48]

Caretaker Prime Minister Anwaarul Haq Kakar's comments on Baloch protesters, who were staging a sit-in in the federal capital against alleged extrajudicial killings in the province, were widely condemned as 'irresponsible'. Mr Kakar had denounced those supporting the Baloch protest as 'advocates of terrorists'.[49]

The interim federal cabinet approved the overhauling of the tax machinery but minutes later was stopped by the ECP, which found the move in violation of the elections law. Headed by the caretaker prime minister, the interim cabinet approved a summary for the restructuring of the FBR but decided that it should be carried out by the next elected government.[50]

The ECP asked the government to refrain from signing an agreement concerning the privatisation of PIA, reminding the latter that its operations were bound by Article 230 of the Constitution.[51] The Senate Standing Committee on Finance and Revenue summoned the ministers for law and finance to discuss the caretaker government's authority to enact legislation.[52]

The ECP wrote to PEMRA, seeking action against media channels violating the code of conduct for the polls, alleging that certain channels were airing poll surveys, a practice that was prohibited.[53]

Towards the end of January, the ECP announced it had successfully completed the first nationwide test run of the Election Management System (EMS) across 859 locations, which would compile and tabulate results at the RO level. The experiment, however, raised apprehensions, particularly due to the lingering controversy surrounding the collapse of the Results Transmission System in 2018.[54]

## Conduct of ECP



## Participation of vulnerable, marginalized and excluded groups

Many observers questioned the feasibility of using a new system as yet untested in real time and warned that any failure of the new system could make the election results controversial.[i] Subsequently, two election officials wrote to the ECP, claiming that faults in the EMS included missing data with regard to the duties assigned to polling officials. [56]

Of a total of 90,675 polling stations, 27,628 were declared 'sensitive' and 18,437 'most sensitive'. [57]

A special 'gender desk' is said to have been established in Karachi to facilitate vulnerable groups' participation in the elections. The desk is intended to look into any poll-related complaints from women, senior citizens, transgender and differently-abled persons, and voters from religious minorities. [58]

**The Ahmadiyya community decided to abstain from participating in the elections, citing discrimination based on faith.** A community spokesperson said that, while other religious groups were included in a unified voters' list, Ahmadis were listed separately as 'Qadiani men/women'. Despite the elections being conducted across a joint electorate, the Ahmadiyya community remains effectively disenfranchised solely due to its faith. [59]

In Karachi, the Gender Interactive Alliance claimed that transgender persons were being denied their right to vote due to lack of proper representation in the voters' list and expressed its dissatisfaction with the ECP's voter registration. [60]

Although the ECP had urged all political parties to ensure that at least 5 percent of their party tickets for general seats were awarded to women in accordance with Section 206 of the Elections Act 2017, [61] the Aurat Foundation found that certain parties had failed to meet this requirement and expressed serious concern. [62]

A group of over 400 clerics in Kohistan, most of them members of the JUI-F, issued a fatwa (Islamic decree) against canvassing by and for women candidates. [63] The ECP took notice of this restriction: although the district monitoring officer said the matter was the result of a 'misunderstanding', the ECP confirmed that a constituency

could be declared null and void if any woman was prevented from conducting an electoral campaign or casting a vote in the area.[64]

More than 100,000 inmates in 116 prisons across Pakistan will be unable to exercise their right to vote in the elections, despite constitutional provisions allowing incarcerated individuals to franchise. Section 93 (d) of the Elections Act 2017, permits prisoners to vote via postal ballot and Article 51 of the Constitution guarantees their right to vote. However, the complex process, requiring approvals from multiple government authorities, discourages prisoners from voting.[65]

The National Commission of the Status of Women urged the ECP to develop a special plan to assist differently-abled women voters on polling day.[66]

**Deteriorating security affected the provinces of Khyber Pakhtunkhwa and Balochistan in particular, with election candidates, law enforcement personnel and civilians being targeted.**

Six barbers, originally from Punjab, were brutally murdered in North Waziristan. Their bodies were found in a field, with evidence suggesting they were shot execution-style. Additionally, four militants, including a potential suicide bomber, were reportedly killed in a separate intelligence-based operation in North Waziristan the same day.[67]

Gunmen attacked the vehicle of an independent candidate in Nawagai tehsil, killing his cousin and injuring his brother.[68] A JUI-F candidate survived a bomb attack when his vehicle was targeted with a remote-controlled device in Bajaur.[69] Unidentified assailants gunned down a local PTI leader in an attack in Swabi.[70] Former lawmaker and National Democratic Movement chairman Mohsin Dawar remained unhurt after his vehicle came under fire in North Waziristan's Miranshah during an election campaign in the area.[71]

In the districts of North Waziristan and Bajaur, three children lost their lives and two were critically injured in separate explosions. In Mir Ali in North Waziristan, a landmine explosion killed three children. In a parallel incident in Lowy Mamond in Bajaur, two brothers were

## Security, law and order

critically injured in an explosion while playing in the mountains.[72]

Four people were killed and three others wounded in firing on a passenger coach and a vehicle in Kurram.[73] A police officer and two labourers were killed in a militant attack on a police check post in Dera Ismail Khan.[74]

Seven people were killed in an attack on a police van in Bajaur. A day earlier, a vehicle carrying police personnel in Mamond, escorting polio vaccinators, came under attack. Five police officers died on the spot while another succumbed to his injuries at a hospital in Peshawar. The attack was claimed by the banned TTP.[75] A polio programme official was killed and a police officer injured after unidentified assailants opened fire on a vehicle in Bajaur.[76]

Unidentified militants launched a deadly assault on a police station in Dera Ismail Khan, resulting in the deaths of ten police officers and leaving six others injured.[77]

Rehanzeb Jan, an independent candidate for NA-8 and PK-22, was fatally shot by unidentified gunmen during an election campaign visit to Sadiqabad in Bajaur.[78] This led to elections in the two constituencies being postponed.

In Balochistan, nine people, including a traffic policeman and three children, were injured in a blast on Quetta's Zarghoon Road.[79] Mir Asghar Rind, a PPP candidate for the Balochistan Assembly, survived a grenade attack in Turbat.[80]

A police officer was killed in an armed attack on the office of the regional election commissioner in Turbat.[81] Two people were injured in a grenade attack on the National Party's election office in Mastung.[82]

Three children were injured in a grenade attack on the election office of a PPP candidate in Hub, with unknown individuals carrying out six more grenade attacks, including on proposed polling stations.[83]

In Balochistan, a local ANP leader, Zahoor Ahmed, was killed when armed assailants opened fire at the election office of a party candidate in Chaman. Five PPP workers

were also injured when unknown motorcyclists hurled a grenade at a provincial assembly candidate's election office in Sariab.[84]

Unknown motorcyclists lobbed hand grenades at various parties' elections offices, residences of candidates and the election commission office in Nushki and other areas of Makran.[85] Four people were also killed and six wounded in a bomb blast at a PTI rally in Sibi.[86]

In Sindh, Karachi police registered a case following an attack on the office of a PTI-affiliated independent candidate, Arsalan Khalid.[87] A clash between PPP and MQM-P workers left one worker dead while another sustained injuries. The clash took place as a PPP rally was passing through the area. Unknown persons opened indiscriminate fire from their vehicles, as a result of which an MQM-P worker was killed and a PPP worker sustained injuries. A powerful explosion also occurred near the Provincial Election Commission office in Karachi. No casualties were reported.[88]

On 1 February, the ECP convened a high-level meeting to discuss deteriorating law and order in Khyber Pakhtunkhwa and Balochistan, leading to apprehension that polls in the two provinces might be postponed.

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.

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