

*Human rights violations*

# **Conflict in Balochistan**



*Report of*  
**HRC fact-finding missions**  
*December 2005 - January 2006*

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# **Conflict in Balochistan**

## **HRCP fact-finding missions**

*December 2005 - January 2006*

### **Executive summary**

Disturbed by reports of renewed armed conflict in parts of Balochistan that began to pour in during December 2005, an HRCP fact-finding team visited the troubled areas near Kohlu and in January, as fighting expanded, another mission visited Dera Bugti and Sui.

The fact-finding mission to Balochistan was led by HRCP chairperson Asma Jahangir. Former chairperson Afrasiab Khattak and Dr Mubashir Hasan formed a part of the team which visited Quetta and Sibi from 26<sup>th</sup> to 28<sup>th</sup> December. Ms Jahangir, Mr Khattak, Balochistan vice-chairperson Zahoor Ahmed Shahwani and Mr Zainuddin visited Dera Bugti and Sui from 8<sup>th</sup> to 10th January to assess the situation there.

The teams talked to local people, including those who had suffered as a result of the conflict, activists, political leaders and members of the local administration.

### **Human rights abuses**

In both Dera Bugti and the Kohlu area, HRCP received evidence that action by armed forces had led to deaths and injuries among civilians. Populations had also been subjected to indiscriminate bombing.

Many of the victims were women and children. Lists of casualties are included in the report. The dead included some Hindus, many of whom had been forced to leave their homes due to the fighting.

There was also an immense sense of fear prevailing among ordinary people, particularly in Dera Bugti, from where 85 percent of the population had fled. Many of the citizens that the HRCP team members spoke to complained about the heavy deployment of paramilitary forces in the area, use of excessive force by the Frontier Constabulary, a paramilitary force, and harsh behaviour towards the people, including children, by personnel linked to these forces.

The views expressed by ordinary people contradicted the opinions put forward by FC officials, who maintained citizens appreciated their presence in the area. Members of the paramilitary forces and the district administration, while extending cooperation to HRCP, gave detailed accounts of abuses they alleged had been committed by the Baloch tribal leaders. They also blamed fugitives or 'furraris' for much of the unrest in the province. Racism directed towards the Baloch people surfaced quite openly during some of the discussions.

HRCP expressed grave concern over the fact that militants had placed land mines along roads, and appealed to all sides in the conflict to give up violence in favour of a negotiated resolution to the complex issues of the province. It also regretted the death of personnel of the paramilitary forces.

It was however obvious that the people's perceptions regarding discrimination against them by the federal government, notably an establishment that they saw as being dominated by the Punjab, had played a role in formenting the deep sense of resentment and anger found in the province. These sentiments had significantly contributed to the new conflict. Citizens meeting the HRCP team also expressed the apprehension that the military wished to establish control over the vast natural resources of Balochistan.

There were alarming accounts of summary executions, some allegedly carried out by paramilitary forces. HRCP received credible evidence that showed such killings had indeed taken place.

Across Balochistan, the HRCP team found widespread instances of 'disappearance', of torture inflicted on people held in custody and on those feeling from their house and hearth in fear. Cases, that could be credible, have been detailed in this report. Among the most disturbing is the account of the 'disappearance' of 18 labour union leaders of Pakistan Petroleum Limited (PPL) in December 2005, while they were in Karachi to negotiate various issues with the management.

The findings of the high-level HRCP team, and the interviews they conducted with persons who had been picked up by State agencies, corroborated a growing number of complaints received from Balochistan over the past year. Some of the cases reported, that could not be verified during the team's brief visit, are being investigated further.

While on their way to Dera Bugti, members of the HRCP team, including Ms Asma Jahangir and Mr Afrasiab Khattak, faced an attack on their vehicle near Kashmore. Unknown persons unleashed several volleys of Kalashnikov fire for a period of at least five minutes. The team was particularly disturbed by the brazen manner in which the attack was carried out and the fact that authorities had not lodged an FIR. The credibility of a claim reportedly made by the Baloch Liberation Army (BLA) of carrying out the attack has been questioned by HRCP.

## **Tribal feuds**

Complicating the prevailing situation in Balochistan were the disagreements and rivalries between various tribes and sub-tribes. These feuds seemed to be most marked in the Bugti area. HRCP expressed concern over accounts of abuses by tribal 'sardars', including allegations that some of them maintained private jails, had subjected opponents to deliberate humiliation and had been involved in various criminal acts.

These allegations were refuted by Nawab Akbar Bugti, who was met at a location away from his home in Dera Bugti.

While HRCP expressed its inability to resolve tribal disputes, it called on the authorities to play a positive role in this matter, which had over the years obviously created difficulties for the people living in Balochistan.

## **Conclusions**

At the end of its mission, HRCP reiterated its demand that all parties engaged in the conflict gave up violence, and opened dialogue on the issues of the province. It was also evident that the only resolution to the problems facing Balochistan lay in a political settlement, which also addressed the satisfactory issue of provincial autonomy.

The recommendations based on its findings made by HRCP follow.

## Conclusions and recommendations

1. There is currently a war-like situation, militarization and politico-economic conflict in Balochistan. By denying this the government is only confusing the issue and making it more intractable.

- a) There must be an immediate ceasefire and parliament must meet in a special session to ensure a sustained process of negotiations and dialogue, which must continue till the underlying issue of provincial autonomy and the rights of the people of smaller provinces is resolved. At the same time, a time-bound plan must be drawn up and publicly announced for the demilitarization of the province, which must start immediately.
- b) In the short term all constitutional mechanisms of an inter-provincial nature must be reactivated with a genuine desire to include all shades of opinions while reaching consensus. However, in the long term, the political forces will have to make a stronger bid for the restoration of the democratic process, which will fully respect the federal foundations of Pakistan.
- c) The economic and political rights of the tribal population must also be shown due respect.
- d) All unnecessary check-points erected in Balochistan must be dismantled forthwith and the recommendation of the parliamentary committee on Balochistan respected.
- e) HRCF urges all Baloch militant parties and groups to desist from laying land mines and to cooperate in clearing those that are already in place.
- f) The authorities must not stoke inter-tribal feuds, nor arm militias themselves. Such tactics cannot alter the political reality on the ground, they will only aggravate it.
- g) The official campaign of disinformation must immediately come to an end. In particular, exaggerated accounts of ethnic disharmony must not be propagated from government forums. The law enforcement apparatus must remain confined to its specified legal role and not indulge in any form of propaganda.
- h) Till normalcy is restored, the government must appoint independent human rights monitors, acceptable to all sides, in the area of conflict.

2. The security forces as well as the decision-makers have remained completely unaccountable for the

gross human rights violations in the province, including responsibility for the internally displaced people.

- a) A high-level investigation, under an independent public prosecutor, must be carried out into the reports of extra-judicial, summary and arbitrary execution, torture, disappearances and injury caused due to excessive use of violence. The perpetrators of any offence committed must be brought to justice. In addition, an internal inquiry should be also held into allegations of excesses by the security forces.
- b) All places of irregular detention must be immediately closed down and the interior ministry should submit a report on this issue to a parliamentary committee. The committee must have the authority and mandate to be able to scrutinize this process, so that they can publicly assure the people that all necessary steps have been taken towards abandoning such abhorrent practices
- c) All intelligence agencies of the country should be reined in and made accountable to oversight bodies as well as to public representatives.
- d) It is critical that the superior courts play their appointed role in the protection of citizens. They must use the legal tools at their disposal to punish abuses perpetrated by the agents of State.
- e) The media, and indeed all civil society organizations, must not be denied access to specific areas of the country nor must information about events taking place be deliberately distorted. On the contrary, it is the obligation of government to facilitate adequate media coverage of areas under special circumstances.
- f) To enable the many internally displaced people to return home, it is essential not only that a ceasefire go into place but also that all roads be opened and the Frontier Corps be removed from pickets in the interior of towns and cities. Compensation to people who have suffered human, financial or other losses must be granted.
- g) The law enforcement agencies must be given training in human rights and humanitarian law. Their chain of command must be strictly adhered to and rules of engagement made public.

3. There is great mistrust of the government across Balochistan. The credibility of government must be rebuilt to narrow the immense gap that has developed between citizens and the State in the province. HRCP is convinced that the writ of the government can only be respected by the people if it is based on principles of fairness, rule of law and a lack of discrimination.

- a) The government of Pakistan, must as a first step, review its agreement with the International Committee of the Red Cross (ICRC) and enlarge its scope. In case of doubt, as exists in Balochistan over loss of life and injury, the government must utilize the services of the ICRC to regain the confidence of the people.
- b) Misguided obsession with State versions of development while children are not able to go to school because of ongoing confrontation, will undermine development itself. In order to ensure that children attend school, it is essential to win the confidence of civil society and the public at large, by reducing the presence of paramilitary forces.

4. There is a growing lack of cohesiveness between the people of all provinces. This is promoted by the fact that the structures of governance are dependent upon the goodwill of the central government and have lost the will to retain independence. In order to re-involve the people in the decision-making process, confidence building measures are urgently required at all levels.

- a) The government must provide complete and unimpeded access to human rights organizations to

visit jails and police stations.

- b) The concerns of the people of Balochistan, regarding the demographic balance in the province, must be taken on board when making decisions. This is especially crucial with regard to mega-projects, such as the Gwadar Port, and the acquisition of land by those based outside the province. The opinions of local people must be included in planning schemes and giant projects.
- c) The civil administration in the province must remain accountable to their executive heads rather than take orders from paramilitary forces.
- d) The chief minister of the province, who has not so far visited the areas of conflict since tensions began, is urged to do so that he may make an independent assessment of the situation.

5. The government's development plans must be directed towards the full empowerment of people. The people must be recognized as stake-holders in the decision-making process, and their interests must be placed at the top of the list of priorities. For this to happen, the people must be given a voice, This is possible only if civil society organizations make a greater effort to visit areas of deprivation and interact with the people and are allowed to do so. At the same time, all movements must alter their approach to seeking rights from one of aggression, to a broader based initiative aimed at building countrywide and even international alliances for their campaigns.

- a) HRCP urges that all steps be taken by the government as well as tribal leaders to end the practice of penal sanctions through jirgas as well as to do away with any form of private prisons that may exist. In its place, HRCP encourages the government to set up public-private legal aid centres and legal instruments, so that alternate dispute resolutions can be reached, in civil disputes, through traditional procedures and yet remain compatible to international human rights standards.
- b) To meet the needs of people, educational institutions and vocational training centres must be established across Balochistan. Development cannot be limited only to building infrastructure or setting up giant projects.
- c) Development plans must focus on building civil society, including establishing press clubs, bar associations and community radio and television networks. This would connect the population of Balochistan to the rest of the country and enhance the cultural environment within which they lead their lives.
- d) The low visibility, negligible educational attainments and virtual lack of any voice in decisionmaking of Balochistani women is a serious hurdle in the development of the province. This situation needs the serious attention of the government, leaders of tribes, regional political parties as well as nationalist movements.
- e) In the explosive situation in Balochistan, the more vulnerable members of society, such as children, members of minority communities and unemployed youth not only deserve special protection, their social and economic advancement must be guaranteed through appropriate plans of action.



# Introduction

## The Balochistan issue

The Human Rights Commission of Pakistan (HRCP) is deeply concerned at the increasing number of reports it has received from across the Country, over the last few of years, of disappearances and systematic torture at the hands of security and intelligence agencies.

However, a number of such reports from Balochistan reflected a distinct pattern of persecution.

The human rights abuses in the province receive only limited attention as certain areas remain virtually inaccessible to the national media and civil society, while many parts of the rest of the province are poorly connected to major cities elsewhere in Pakistan. Human rights violations are, therefore, poorly documented and patchily reported. HRCP, nevertheless, observed a pattern of consistent abuse of human rights in the province and decided to send a fact finding mission in October 2003.

The October 2003 mission visited a number of towns, cities and villages in Balochistan to assess the situation. In its report, HRCP urged closer monitoring of the rights situation and recommended a “breakthrough in meeting Balochistan’s aspirations for provincial autonomy”. It also called for a revamping of the law and order machinery and making the intelligence agencies accountable, and warned of the dangers of militarization of the people. The mission noted:

*“The dangers of militarization of the people cannot be exaggerated. Even a minimum degree of respect for the history of Balochistan demands that any extension of defence establishments in the province should be subject to double scrutiny and it should be undertaken only after convincing the people of its justification. The need to reduce the military’s presence in jobs traditionally and rightly reserved for civilians is even greater in Balochistan than in other provinces.”*

HRCP regrets that since then the situation in Balochistan has been allowed to deteriorate, and all its warnings have been ignored by policy makers. HRCP had hoped that by identifying some contentious issues,

it would be able to induce the decision-makers to seek a political solution of Balochistan's issues. The consequences of their failure have manifestly been horrible.

### **Follow-up to the 2003 mission**

After the 2003 mission, the Balochistan chapter of HRCP continued to monitor the situation. Several reports of human rights violations were received including the disappearance of several individuals. The annual report 'State of Human Rights', the monthly 'Jehd-i-Haq' published in Urdu, Sindhi, Pushto, Baiochi and Brahui and the quarterly English-language newsletter brought out by HRCP have carried these reports.

In addition, where appropriate, HRCP issued press releases, held press conferences and made direct contact with victims as well as major actors during critical developments in the human rights situation in Balochistan.

Since January 2005, HRCP has had to step up its monitoring of events in Balochistan as reports of

### **Structure of the report**

**The report begins with HRCP's recommendations, based on its findings during its missions to Balochistan and the conclusions it reacted regarding there.**

**After a brief introduction to the issues facing Balochistan, and a summary of HRCP's mission to the province in October 2003, Part 1 will cover the report of the first mission to Quetta and Sibi, part 2 will cover the report of the second mission to Sui and Dera Bugti.**

**Appendix 'A' gives a brief, historical background to the province of Balochistan. The full account of illegal detention and torture in custody, provided by Dr Imdad Baloch, a member of the Balochistan Students Organization (BSO) is included in Appendix 'B'.**

**For greater clarity, the expression 'Balochistani', as used in this report, includes all those living in Balochistan; 'Baloch' is a reference to the ethnic Baloch population and 'Baloch nationalists' includes all parties struggling for the political rights of Balochistan in any form or manner.**

sporadic violence throughout the province and of low level conflict in some areas kept pouring in. In the absence of any preventive or conciliatory measures, this turned into an armed conflict in the district of Kohlu and in Dera Bugti. The situation dramatically deteriorated by December 2005. Alarming reports of extrajudicial killings, torture, disappearances, threats and intimidation by intelligence agencies, arbitrary arrests and violence made a fresh probe imperative. A fact-finding mission was therefore sent to Balochistan to collect first

hand information and to verify the reports received by HRCP. The mission was also mandated to take all appropriate measures and recommend ways of defusing the tension. HRCP was convinced that continuing armed conflict in pockets of the province could lead to a wider conflict in the entire province and aggravate the human rights situation in the country.

### **Sources of the report and details of the two missions**

This report is based on information received by HRCP and includes the observations and impressions formed by the mission during its visits to Quetta and Sibi from 26<sup>th</sup> to 28<sup>th</sup> December 2005 as well as a visit to

Sui and Dera Bugti from January 8<sup>th</sup> to 10<sup>th</sup>, 2006. Official statistics and documents as well as verified newspaper reports are also used in the report.

Asma Jahangir, chairperson HRCP, Mr. Afrasiab Khattak former Chairperson and senior leader of HRCP, Dr. Mubashir Hasan were members of the team visiting Quetta and Sibi. They were assisted in this mission by members of HRCP in Balochistan. Vice Chairperson Mr. Zahoor Ahmed Shahwani and former chairperson of HRCP Mr. Tahir Mohammad Khan gave invaluable insights. The logistic arrangements organized by the Balochistan chapter of HRCP in difficult circumstances made the mission possible.

The mission to Sui and Dera Bugti was carried out by Asma Jahangir, chairperson HRCP, Mr. Afrasiab Khattak former chairperson, vice chairperson, Mr. Zahoor Ahmed Shahwani and Mr. Zainuddin, member HRCP. A number of journalists accompanied the mission.

The mission to Quetta also went to Sibi, Talli and drove beyond Talli in the direction of Kahan, but returned some 20 kilometres short of Navand.

They were able to meet a large number of political leaders and activists, NGOs, members of the press, lawyers, leaders of various tribes in Balochistan, victims and their families and local people in Quetta as well as during their travel. They also met with Major Zafar and Major Bangash of the Frontier Corps. The mission was able to exchange information and views with other personnel of the Frontier Corp, the military and government officials working at the District Hospital Sibi. In Quetta, Colonel Naeem, met a member of the team and gave some valuable information.

The team did not attempt to seek appointments with any senior government official in Quetta because of the short time at their disposal.

The team was able to clarify some facts through telephonic interviews with those who were either not reachable or not available because of security and safety concerns. They were also able to meet with some women who testified to the violence they experienced or saw being carried out in Dera Bugti on 17<sup>th</sup> March 2005.

As usual, the mission was impressed by the courtesy and hospitality offered to them by the people. HRCP would like to thank the officials they met for the cooperation and courtesy they extended to the mission. Members of the mission were particularly struck by the remarkable clarity with which the press briefed them in Quetta. At the same time they remained disturbed by the first hand accounts of torture they heard from victims.

Further reports of bombings and rocket attacks on Sui and Dera Bugti prompted the next mission. The government denied that there was army action or an operation in the area, while the Bugtis claimed heavy use of military force. According to the government they were engaged in dealing with a "law and order" crisis created by some "miscreants". The Governor of Balochistan denied that the area was made inaccessible and extended an invitation to human rights bodies as well as to the press to visit it. As such the authorities were notified of the mission through the media and Mr. Mushahid Hussain, secretary-general of the ruling Pakistan Muslim League (PML).

During the mission the team visited Sui and Dera Bugti. They met with a large number of locals and officials. They included Mr. Abdul Samad Lasi, the District Coordination Officer (DCO) of Dera Bugti and the Commandant Bambore Rifles, Dera Bugti, Lt. Colonel Fooqan. The team also had the privilege of a briefing from the Inspector General of the Frontier Corps, Shujat Zameer Dar on the telephone. The team met with Nawab Akbar Bugti, the Sardar<sup>1</sup> of the Bugti tribe. The Nawab had moved from his house in Dera Bugti and relocated himself elsewhere-at an undisclosed location after escalation of violence on December 30<sup>th</sup>, 2005.

## **The context of the report**

Human Rights violations cannot be justified even in times of emergencies. Governments bear an obligation to respect basic human rights norms, at all times, and there can be no derogation in respect of certain fundamental human rights principles. For example, torture or abduction under State patronage as well as arbitrary detentions are unacceptable under any circumstances. According to customary international law, excessive, disproportionate, indiscriminate or unauthorized use of force is illegal and amounts to gross human rights violations. All killings under such conditions would also be considered extrajudicial or summary executions.

HRCP has consistently spoken out against extrajudicial killings by State agencies and killings with impunity by non-State players. At the same time, it would like to emphasize that, states bear a greater responsibility to protect its citizens and to operate within the law. The Geneva Convention on the Protection of Civilian Persons in Time of War, adopted on 12 August 1949, lays down guidelines on protecting civilians against death, injury, or torture even in times of war. Humanitarian law extends to non-international armed conflicts and protects civilian population against the effects of hostilities.

HRCP will continue to focus its attention on the state of human rights in Balochistan. At the same time it hopes that through this report the complex socio-political environment of Balochistan can also be briefly presented so that a better understanding of the root-causes of lingering hostilities in the province can lead to wiser conclusions. The analysis is also important as it will enable HRCP and others to make principled and meaningful recommendations for upholding the values of human rights, peace and democracy.

## Part-1

### Visit to Quetta and Sibi

# At the fringe of mayhem

HRCF had decided to visit Quetta in order to assess the gravity of human rights violations being reported to them. It also wished to ascertain the nature of any conflict in Kohlu district or to determine if it was in fact a 'law and order' situation, as claimed by the authorities. HRCF also wished to assess the damage, if any, to human life and verify reports of human rights violations. The team was unable to travel to areas of Kohlu district where there was fighting, but received credible reports of bombing, the use of heavy weaponry and first hand accounts of torture, disappearances and other rights violations, which are included in this report.

After arriving in Quetta on December 26th, 2005, the fact-finding team met with leaders of political parties and members of civil society, including journalists and lawyers, as well as victims of human rights abuses and their families. The HRCF team was provided a number of examples of misleading statements made by government officials to fan Baloch-Punjabi differences. The team was also given examples by government officials of incidents suspecting Baloch nationalists of killing Punjabi travellers. In December 2005, a passenger bus was stopped by some unknown armed persons at Bolan near Mach. Three men traveling from Sadiqabad were pulled out and shot dead. According to press reports they were singled out for being Punjabis. But no other incident was confirmed through any source.

The team was presented with written and oral testimonies of cases of killings of civilians amounting to extrajudicial executions, disappearances, torture, and arbitrary detention. HRCF could not verify all the reports presented to the mission. They could well be credible, but owing to information gaps, these are not included in this report. HRCF plans to follow up the information it has received.

Members of the team travelled to Sibi and then onwards to Talli. They took the dirt road, which was under development at the time. It led to Kahan via Navand.

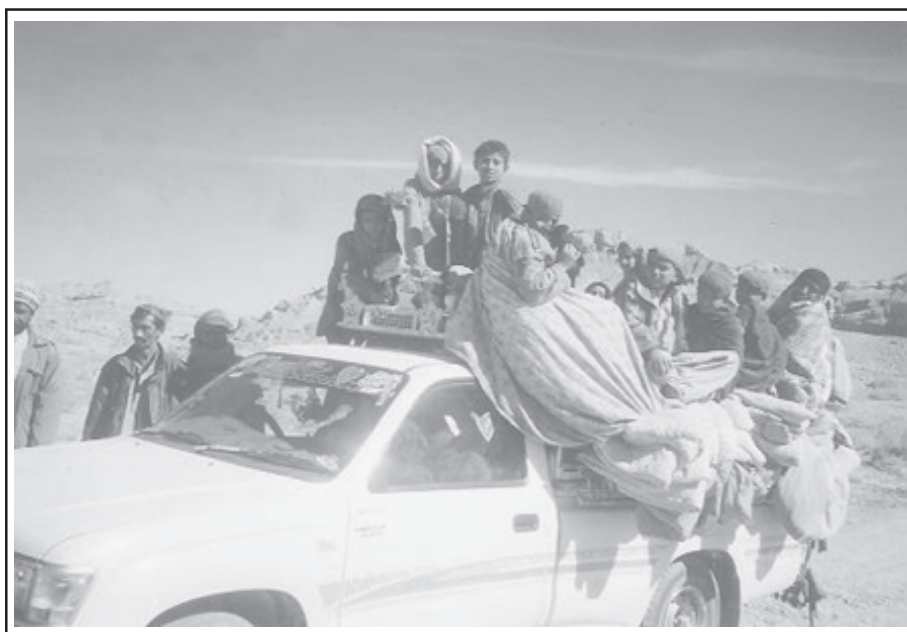
During this journey the team was able to speak to a number of ordinary citizens. They passed a number of check-posts set up by the Frontier Corps. Their car was searched and the team noticed that at a number of check posts the treatment meted out by the paramilitary personnel to all those passing through was tough.

At a check point in Talli, where a dirt road eventually led to Kahan, in Kohlu district, the team was stopped. All other vehicles were being turned away, but the team insisted on proceeding further. They were

asked to wait till permission was sought for them to proceed. After an hour and a half, they were warned that mines had been laid on the road and occasional firing by the “furraris”<sup>2</sup> was common. To assess the situation, the team decided to take the risk and travelled for an hour and a half on this road. They were unable to see a single human being apart from military personnel and a few locals who were living in proximity to the main check post. They confirmed that rocket launchers and gun fire was exchanged by both sides - the military and the local tribesmen. They also verified that gunship helicopters and fighter jets flew regularly over the area and that they heard sounds of bombardment.

The team saw heavy artillery, including canons and tanks at various bunkers of the military. There was fear amongst the few locals that the HRCP team spoke to and they expressed resentment over the military presence as well as their use of force. Despite repeated interrogation, the locals did not confirm that there were “furrari” camps in their area.

The military personnel claimed that some distance away, the FC had set up a bunker after taking over



*Displaced persons; where will they go?*

a “furrari” camp. The team doubts that the place was a “furrari” camp because locals claimed it was a temporary settlement of Marri nomads. The HRCP team passed it and saw a reservoir of water collected for household use, remains of earthen ovens (‘tandoors’) and other household items.

Subsequently, HRCP activists made further inquiries from locals and confirmed the FC had fired upon this settlement of nomads, based at Arand, and had established a position for themselves there, with heavy artillery and other

weapons visible. As such claiming that it was a furrari camp were not valid.

The Talli road leading to Kahan, on which the team was travelling, was being built by the army. Bulldozers were reportedly sent out a month earlier. It was also reported that because of the use of force by the FC, and the bombardment, the sparse local population in the area had fled. It is difficult to give the numbers of internally displaced persons in this area, as most of them are nomads.

The HRCP team noticed that except for their vehicle, no other travellers were being allowed beyond the Talli check point. The three roads leading to Kahan, they learnt, were all closed. The team met a number of people in Quetta, including journalists and Marris, who confirmed Kahan had been cordoned off and made inaccessible by the FC forces along all three routes, Dera Bugti, Kohlu and Sibi. Local transporters bore this out. People whom the team met told the team bombardment had been carried out in Jabbar<sup>3</sup>, Pekal, Siyah Koh, Mayhaee, Bambore, Taratani, Soraf, Sakhin and Sorakhor. However, HRCP cannot give first-hand information either of the bombings or of the fatalities or casualties caused. The team did however receive a list of those dead and injured in Pekal and Jabbar. They were subsequently able to verify the authenticity of these

lists through HRCP sources.

The FC, while denying they had surrounded the area, did admit the FC was acting to destroy the eight identified 'furrari' camps in these places.

The development plans of the government are being challenged by the local tribes. They accuse the government of laying down infrastructure for the mobility of the military in order to access their lands and take over their natural resources. The construction of the Talli-Kahan road is one such example. Along this road there is no sign of development or of settlements, but it is being given priority in terms of development.

HRCP, however, found evidence that the Baloch militants had planted mines in the area. It denounces the use of mines and is deeply disturbed by this information. It urges all parties involved in the conflict to desist from planting mines and discontinue this dangerous practice forthwith.

A member of HRCP's team met four women from Nawab Akbar Bugti's family. They were present when rockets were fired at the house on March 17<sup>th</sup>, 2005. One of them received some injuries, when the women and children were trying to escape. Subsequently, the team was able to visit Dera Bugti and assess the facts for themselves.

## **Complaints by journalists**

Almost every journalist that met the HRCP team complained of threats that they had received from intelligence agencies. A few of them narrated incidents in which they were picked up and then released a day later, after having been warned. Journalists complained that persons claiming to be representatives of the secret services threatened to kidnap their family members unless they succumbed to their demands.

## **Human rights violations**

### *Arrests and arbitrary detentions*

The Interior Minister is quoted in the press as acknowledging having made 4,000 arrests in connection with the Balochistan situation, while speaking to the press in Turbat. This matter was later raised by a leader of PML(N).<sup>4</sup> The charges against a number of these persons have not been disclosed to their families. In some cases it is not known where they are being detained, and furthermore the government has not disclosed the identities of persons arrested during these operations.

Other government members have given contradictory accounts of the number of persons arrested in Balochistan.

### *Extrajudicial killings*

HRCP considers that the present situation in parts of Balochistan including Dera Bugti and Kahan, can be described as armed conflict. On the basis of credible reports it is in a position to conclude that non-combatants have been killed. On more than one occasion, the use of force was disproportionate and excessive and employed indiscriminately. The HRCP team was able to investigate the facts of the bombing and use of force by the security forces on December 17th, 2005.

The government has denied all reports of bombing civilian populations and continues to insist that there is no unusual army action. According to them, it was a "law and order" situation, created by a handful of miscreants, which was being dealt with. The government's position cannot be sustained by the evidence made available to HRCP. The team was also able to speak to an independent journalist, Nadeem Syed, the correspondent for 'Dawn' at Multan. He had visited an area adjoining the district of Kohlu and Dera Bugti – a

place known as Malt Kund, in district Barkhan — on January 1<sup>st</sup>, 2006. He saw the devastation there. Although Malt Kund was not directly targetted, the fallout of bombardment in Jabbar and Pekal caused great destruction here too.

A school was totally demolished, roadside restaurants destroyed, a dispensary severely damaged and other buildings hit. No deaths or casualties were reported, because the people fled at the first sight of military movement. The local people described the fighter jets flying over their villages as being like 'lightning'. According to them, they flashed by, dropping bombs. The people also complained military and paramilitary troops usually encamped among civilian populations, to use them as 'human shields' against militants.

Based on these reports the HRCP team finds that there is evidence of bombardment by the armed forces, as a result of which, non-combatants, including women and children have been killed. Heavy exchange of fire between security forces and Baloch militants has also been reported, in a number of places and on numerous occasions.

During meetings, the government denied any loss of life. Later it admitted to the bombing of "furrari" camps in and around Kahan, in Kohlu district. The team concluded that the operation of December 17th, 2005 was pre-planned and can also be confirmed by the fact that emergency was declared at the district hospital, Sibi, a day earlier. The hospital staff on leave was recalled, and on the 17<sup>th</sup> of December, 2005, the Health Secretary in Quetta called the hospital several times to inquire about casualties or dead bodies received. The hospital received none.

Subsequently, HRCP received information that those killed during the December 17th operation were never brought to the hospital and the injured did not travel out offear. The list of fatalities and the injured, received and verified by HRCP, consists mostly of women and children. These were collected from the areas and locations around Jabbar and Pekal.

A list of those killed on December 17<sup>h</sup>, 2005 in the Marri area of Jabbar and Pekal as a result of bombing, firing and shelling by security forces is provided below:

### **Jabbar**

	<b>Name</b>	<b>Father's Name</b>	<b>Age description</b>
1.	Bangui Khan	Jaurak	Youth
2.	Naseer	Jaurak	Child
3.	Mohd Khan	Sohrab	Infant
4.	Hazoor Baksh	Sakhi Baksh	Infant
5.	Janbaig	Nodin	Child
6.	Nodan	Nodin	Infant
7.	Bashku	Roshan	Infant
8.	NoorBibi	Kamardin	Old Lady
9.	Hauree	GulKhan	Woman
10.	GulShair	GulDin	Youth
11.	BibiSahu	Ahmad Jan	Infant
12.	Bahuri	GulShair	Woman
13.	Hajaran	Hamadan	Child

**Pakal**

	<b>Name</b>	<b>Father's Name</b>	<b>Age description</b>
1.	Hamal	Jhungal	Youth
2.	Kahero	Jhungal	Child
3.	Kambhir	Wazhu	Infant
4.	Dhozo	GhulamHussain	Child
5.	GhulamHussain	Ihangav	Male
6.	Wazir	Hingal	Youth
7.	MohdAli	Kahiro	Infant
8.	Dad Mohammad	Mauraiz	Infant
9.	Tauraiz	Mauraiz	Child

Names of injured persons

**Jabbar**

	<b>Name</b>	<b>Father's Name</b>	<b>Age description</b>
1.	Maddo	Bashkia	Infant
2.	Nazi	Ghulam Mohd	Infant
3.	Safiea	Ghulam Mohd	Child
4.	Bibi Sazo	Lalu	Child
5.	Khamzadi	Lalu	Quid
6.	Mohro	AUMohd	Youth
7.	Aisha	TikalKhan	Youth
8.	Bibi Arfana	MahirJan	Child
9.	Nami	Amir	Infant
10.	Basnaz	Amir	Child
11.	GulNaz	Saidad	Youth
12.	Marium	Saidad	Infant
13.	DilNaz	Khuidad	Infant
14.	NamirBibi	Khuidad	Child
15.	Sabirnaz	Patekhan	Child
16.	BibiShalo	Patekhan	Child
17.	Hirtho	Patekhan	Child
18.	Fathema	Kahere	Infant
19.	Kathema	Kahere	Child
20.	Murgo	Kahere	Child
21.	Shah Bibi	Hazu	Infant
22.	NazBibi	Hazu	Child

## *Disappearances*

The Constitution of Pakistan guarantees an inalienable right of protection of life, liberty, reputation and property to every citizen.<sup>5</sup> No person shall be deprived of life or liberty, except in accordance with law.<sup>6</sup> Safeguards to arrest and detention are provided in the Constitution and it is made mandatory that those detained must be produced before a magistrate within 24 hours.<sup>7</sup>

HRCP recognizes that the law provides sufficient guarantees from arbitrary arrest but these become meaningless in the absence of an effective judicial mechanism. In addition, there ought to be specific legal machinery—including laws and oversight bodies—for the effective accountability of law and security agencies. All misuse of power by them must carry penal sanctions and the culture of impunity must end. HRCP is deeply concerned that superior courts in the country have not been able to uphold the principles of the rule of law.

HRCP has received reports of disappearances from across the country. The families are often hesitant to come forward because of threats by intelligence agencies warning them to remain silent. For reasons of confidentiality, the HRCP is unable to give details of every such case received by them. We do, however, have a fair number of documented cases which can be made public. They present a dark picture. The reports reflect a pattern of intimidation and abuse; people are threatened to remain silent, they are blindfolded and handcuffed and tortured through various means, including the injection of unknown chemicals, humiliation and stripping.

It appears that there is a network of private torture cells run by intelligence agencies throughout the country. Some victims have also been able to describe the locations and structures of such torture cells.

## *Missing persons*

- ◆ Ali Asghar Bangulzai Baloch, a tailor master by profession, was arrested on June 1st, 2000, by security and intelligence agencies in the presence of his nephew, Naserullah. Three people



*Ali Asghar Bangulzai*

entered his shop and called him outside, where three vehicles with tinted glasses were parked. According to Naserullah, and later Ali, three army officials were sitting with G-3 rifles in their hands. Ali was whisked away and his nephew threatened into silence with a promise made of releasing Ali after interrogation. He was later released after 14 days. According to Ali's relatives, he was tortured and interrogated in connection with the murder of Justice Nawaz Marri.

Months later, on October 18th, 2000, he was picked up again along with his relative Mr. Iqbal, while riding a bicycle past Degree College, Quetta. Mr. Iqbal was released after 22 days. Ali remains missing.

On April 27th, 2002, Ali's family gave up hope of his returning and made some efforts for his release. They met Corps Commander Abdul Qadir Zari and sought his help. On May 15th, 2002, two officials of the ISI visited the family and assured them that Ali was well and would soon return. They also discouraged them from protesting, implying that in doing so, they would damage the interest of the abductee.

After receiving no word of Ali's whereabouts, the family met Brigadier M. Sadique of the ISI who made inquiries from Colonel Bangish. According to the testimony of the family, the Brigadier received a file from the Colonel, which he inspected. He then comforted the family and promised to help. After the meeting, the family visited several officials and at each occasion begged for the release of Ali or delivery of his dead body. Each time they were promised that



*Brahim Baloch*

the victim would soon be released. During this process, Brigadier M. Sadique also gave some money to the family and eventually agreed to take some clothing from them, promising that it would be delivered to Ali.

Finally, the family members met the Governor of Balochistan in the presence of the Balochistan Vice Chairperson of HRCP. The Governor was most courteous and sympathetic. Later, at another meeting, again in the presence of HRCP Vice Chairperson, the Governor informed the family that Ali was not in the custody of any official agency or security force. This was disputed and it was pointed out by a family member that if this was so, then why did the ISI official give them a sum of Rs.25,000 and receive clothes intended for Ali. The Governor responded that the money was given on compassionate grounds and the clothing was received in order to seek Ali's whereabouts through a Sufi, who would perform a mystic ritual known as 'dum'.

Ali is a father to eight children, and was forty years old at the time of his disappearance. His family is on token hunger strike outside the Quetta press club.

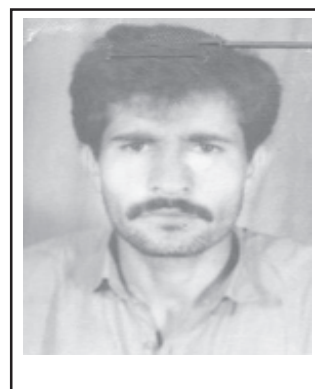
- ◆ Goharam Baloch, son of Saleh Muhammad, aged 30 years, lived at Jato Bazaar, Tehsil Mund, Makran Division. On August 8th, 2004, Goharam was on his way to Gawadar with his friend Waris to seek employment. He was arrested by the Levies at the Talaar check post, District Gawadar. According to Waris, the Levies handed Goharam over to Tehsildar Pasni, District Gawadar. Waris testified that nothing was recovered from Goharam. Since August, 2004, the family has been unaware of Goharam's whereabouts. After making inquiries and knocking at every door, the family finally filed a writ petition in the Balochistan High Court on September 17th, 2004. There is still no trace of Goharam's whereabouts.
- ◆ Abid Saleh, brother of Goharam Baloch, was apprehended by the security forces on August 24th, 2005. A month later, he was released. He told his family he had been brutally tortured. Marks of torture were visible on his body. On November 4th, 2005, he was once again picked up by the Frontier Corps from his house in Jato Bazaar, Tehsil Mand, district Kech, in the presence of his family members. His whereabouts remain unknown.
- ◆ Brahim Saleh, aged 25, also a brother of Goharam Baloch, was picked up by intelligence personnel on November 29th, 2005. Brahim ran a small business in Karachi. He was abducted while withdrawing money from the Maripur branch of the Muslim Commercial Bank in Karachi. Eyewitnesses at the bank confirmed that the abductors identified themselves as intelligence personnel. Farooq, 13, son of Jalal and Brahim's business partner Jamil, were abducted alongside him. Jamil was released after two weeks. He revealed the other two persons were being kept in an illegal lock-up by intelligence agencies.
- ◆ Haji Jan Muhammad Marri Baloch, aged 80 years, is a well



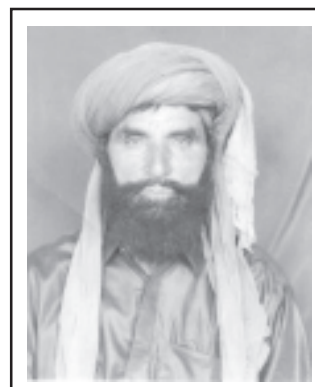
*Dr. Allah Nazar Baloch*



*Farooq Jalal*



*Gohram Saleh Baloch*



*Jan Mohammad Marri*



Dr. Hanif Sharif Baloch

respected member of the Marri tribe. According to a number of interlocutors met by HRCP team, Haji was described as a wise man and a mediator of disputes who encouraged non-militant behavior. On July 22nd, 2005, he was picked up by the police in the presence of at least two eye-witnesses. His whereabouts remain unknown.

◆ A member of the Balochistan National Party (BNP), Aslam Gargnari, disappeared after a peaceful protest rally staged by his party. The police filed reports of treason against all speakers at the rally including Aslam Gargnari. On May 16th, 2004, his car was discovered at the airport, however, he remained missing. His political colleagues were initially told that he was in the custody of the crime branch and was detained under the Maintenance of Public Order (MPO)

regulations. Later his whereabouts could not be found. The family has filed a *habeaus corpus* petition but Gargnari has so far not been located. His party organized a protest rally on May 21st, 2004. Cases of treason were registered against the speakers at the rally.

- ◆ Faiz, son of Hamza, 60 years of age, was walking past a construction company in Turbat city when an explosion took place on May 18th, 2005. Faiz was severely injured but was arrested by the police on suspicion of having caused the bomb blast. The police (in Turbat) handed him to the Anti-Terrorist Forces. Faiz was produced in the High Court of Balochistan in a severely injured condition and, therefore, the court ordered that he be admitted to the Jail Ward of the Civil Hospital, Quetta. On October 12<sup>th</sup>, 2005, the court released Faiz on bail but he was rearrested and has since been missing. He has not been produced in any court.
- ◆ Shoukat Bugti, son of Muhammad Ali Bugti, and his relative Hasan Bugti, son of Haji Abdul Wahid, are residents of Mach, district Bolan, Balochistan. They were arrested by the security forces from their house on June 10th, 2005, in the presence of family members. They have since not been produced in any court and nor have their whereabouts been disclosed to their families.
- ◆ On November 18th, 2005, a leading poet and writer, Dr. Hanif Sharif, was detained by the military from a restaurant in Turbat. A number of poets and writers were present at the time that he was 'picked up'. The president of the Balochistan Academy for Arts, Ghani Parvaz, has stated that many academy members saw Sharif being taken away. Police had earlier refused to register a case, but now claim unofficially that Sharif has been arrested. His whereabouts are as yet not known.

## Torture

Torture is endemic in Pakistan. The United Nations Special Rapporteur on Torture visited Pakistan in 1997. He concluded: "Torture, including rape, and similar cruel, inhuman or degrading treatment are rife in Pakistan, although those with important family, political or international connections are somewhat less at risk of the most extreme forms of torture."<sup>8</sup> He observed that allegations he had received throughout his tenure indicated that torture of persons in the custody of the police, the paramilitary and the armed forces was common, widespread and systematic in Pakistan.

The HRCP finds the situation extremely alarming and urges the parliamentarians to pay special attention to this very serious human rights violation, which is being committed with impunity. Regrettably, the courts too

have failed to take serious notice of torture and accept it as a common reality.

The Constitution of Pakistan does not give absolute protection against torture. Article 14 guarantees “the dignity of man” and it is followed by a sub-article stating:

*“No person shall be subject to torture for the purposes of extracting evidence.”*

There can be no derogation from the right not to be tortured even in times of emergency, conflict or external war. HRCP is of the view that the constitutional guarantee against torture should be unqualified. Pakistan’s law enforcement and decision makers must be acquainted with the provisions of the United Nations Code of Conduct for Law Enforcement Officials. Article 5 of the Code states:

*“No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior order or exceptional circumstances such as state of war or a threat of war, a threat to National Security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.”*

The government of Pakistan should sign to the UN International Covenant on Civil and Political Rights and its Optional Protocol. In particular, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must be signed and ratified.

HRCP must emphasize that the reports regarding allegations of torture received by them are the tip of the iceberg. Amongst the reports which cannot be reported are those which do not sound credible or are not verified or consistent. In addition to this, a number of victims and their families do not wish to be identified.

### ***Allegations of torture***

- ◆ Seven members of Balochistan Students’ Organization (BSO) were arrested between the night of 24<sup>th</sup> and 25<sup>th</sup> March, 2005, from Karachi, after attending a peaceful rally protesting against the army operation in Balochistan. Amongst them were Dr Imdad Baloch, Dr Yousaf Baloch, Dr Naseem Baloch, Ghulam Rasool, Dr. Allah Nazar, Akhtar Nadeem and Ali Nawaz.. Dr Yousaf Baloch, Dr Naseem Baloch, Ghulam Rasool and Dr Imdad Baloch were produced in police station Sakhi Sarwar in Dera Ghazi Khan after having been kept in illegal confinement and tortured by intelligence agencies. They were released on 24<sup>th</sup> May. Dr Allah Nazar was eventually produced in a court in Rahimyar Khan on 13<sup>th</sup> August. He was then shifted to Balochistan and charged for terrorist acts. He is currently at Central Jail Quetta. He is virtually paralysed and has lost a substantial part of his memory. HRCP vice chairperson Mr Zahoor Ahmed Shawani met Dr Allah Nazar, who reiterated he had suffered torture and as a consequently is physically and mentally impaired.
- ◆ Akhtar Nadeem, son of Lai Bakhsh, and Ali Nawaz were released on November 2<sup>nd</sup>, 2005. They had been kept in anti-terrorist sub-jail at Quetta. Both have given detailed accounts of torture. ***[See Appendix ‘B’ for a detailed account by Dr. Imdad Baloch].***
- ◆ Alam Pirkani Baloch, belonging to the Pirkani tribe, was arrested by the CIA on September 24<sup>th</sup>, 2000, in Jehaniah, Multan District, Punjab province. He was arrested by DSP Sheryar

Khan, ASP M. Qasim and SHO Amanullah. The same evening he was transferred to the police station at Railway Station, Khanewal. The following day he was blindfolded and transferred to the Quetta City Police Station. A day later, he was handed over to the Federal Intelligence Unit (FIU).

For the next 15 days, he was brutally tortured. He was forced to keep standing in an indignant condition wearing only his underwear in freezing conditions. Parts of his body were burnt with cigarettes. After he lost consciousness, he was shifted to the Military Hospital (CMH) Quetta, and was treated there for six days.

Blindfolded, he was once again shifted to an underground room with no light and little ventilation. For



*Paramilitary forces could be spotted everywhere.*

three days, he was fed only a piece of bread and a cup of tea, after which he was handed over to the FIU once again. In the custody of the FIU, he was hung upside down with some sharp edged tool between his thighs and hands. After his hands and legs bled for a while, he was taken down only to be re-tortured. Chilies and salt were rubbed on his wounds.

He has been under treatment after his family filed several cases in the courts and protested. He was finally shifted to Quetta jail. Since then, he has been in Zohb jail, in a deteriorating state of mental health.

He is unable to properly recognize members of family. During the interrogation, he was asked how well and what he knew of Nawab Khair Baksh Marri. He was also asked to name the people involved in the killing of Justice Nawaz Marri Baloch in January 2000. So far, no evidence has been produced against him in court, but he remains imprisoned.

- ◆ Ali Beig belongs to the Marri tribe. He lived in Hazar Ghanji, Quetta. On January 8th, 2000, he was arrested by personnel of the City Police Station, Quetta, and handed over to the FIU. For eight days, he was brutally tortured. He was made to stand naked in freezing temperatures, given electric shocks and beaten with rubber strips. After two months of remaining in the custody of the CIA and the FIU, he was transferred to jail. During this period, the FIU would take him away at night, in order to torture him further. After a year, he was once again transferred to the FIU camp where heavy steel rollers were applied to his body. During the interrogations, he was asked about Nawab Khair Baksh Marri and pressured to give a statement implicating him in the murder of Justice Marri.
- ◆ Eid Mohammad, son of Haji Wali Jan, resident of New Kahan, Western bypass Quetta was arrested along with his two uncles Baloch Khan and Shadi Khan on February 10th, 2004. Eid was a student of class 8 and was 14 years old at the time of his arrest. He was arrested under the Maintenance of Public Order (MPO) and was kept in custody for three months. He was

tortured brutally. Details have not been reported, but it must be brought on record that Eid no longer goes to school and suffers from regular nightmares. His family has reported that he screams hysterically in his sleep and pleads not to be tortured. According to them, the three months of incarceration will haunt Eid for life. Shadi Khan son of Raheen Baksh is a laborer by profession, and was detained under the Maintenance of Public Order (MPO) for three months. During this period, he was tortured through beatings and was deprived of sleep.

- ◆ Hazal Khan, son of Denah Khan, is an ordinary working class person. He is around 40-45 years old and works as a caretaker in the house of Nawab Khair Baksh Marri at Arbab Karum Khan Road, Quetta. On December 3rd, 2004, while Hazal went about his daily chores, he was picked by the CIA along with officials of an intelligence agency. The other employees present, asked to see the warrants of arrest, but were ignored. Hazal's family inquired about his whereabouts from the officials at Saryab police station. The police admitted they had arrested Hazal, but the following day blatantly denied all knowledge.

Hazal was kept in a Quli-camp for one month and was severely tortured. His family was only allowed to meet him after one month. He was detained for five months under the Maintenance of Public Order (MPO) and then released.

- ◆ On December 25th, 2004, it was reported that four members of the FC were killed by unknown persons. In retaliation, the FC erected six check posts and started extensive 'house to house' searches. During this period, a number innocent people were beaten and injured. Subsequently, in village Naag, the FC started another search and used physical violence. Abid, a twelve year old, was brutally beaten by FC personnel, in the presence of his mother, and as a result lost two of his front teeth. It is also reported that 11 people suffered injuries during this raid.

- ◆ Sorab Baloch was born in January, 1979, in Kohistan Marri, Kohlu. In 1998, some 160 Mari tribesmen were arrested on accusation of being involved in the killing of Justice Nawaz Marri. Sorab was amongst those arrested. He was kept in different jails for two months.

He alleges that he was severely tortured in the jail, in the police station and in Quli-camp. After thorough investigation he was granted bail but Sorab could not arrange for the surety amount. Finally, he was released on a surety of Rs.40,000. He still bears marks of torture.

- ◆ Gul Hassan Marri Baloch was arrested along with his uncle Noor Muhammad Marri on October 1st, 2001. They were returning to their house in Turbat when they were stopped at a check point in Bisma and thoroughly searched. All their documents were found in order, but the FC accused Noor Muhammad for being rude to them. Both uncle and nephew were arrested and sent to Sorab police station in separate vehicles. They were unaware of each others' whereabouts until they were transferred to Quli-camp the same day. Gul was stripped naked and handcuffed. Five people interrogated him. He was made to lie flat on a desk and beaten with rubber strips on his belly, legs and thighs. After he lost consciousness, he was brought around by splashing cold water on him. This form of torture continued till dawn. He was then moved to a room where he was handcuffed and placed in fetters in a way where only his toes could touch the ground with the entire weight of his body falling on his hands. Afterwards, he was tied in chains and these were pulled in opposite directions by his tormentors, thereby severely bruising the body of the victim. Often two heavy men would stand on his thighs. Later his genitals were burnt with a lighter. This form of torture lasted for 18 days. He was so severely injured that he unable to eat with his own hands. Gul also lost track of time. Gul reported that a technique,

which HRCP has heard of in other cases too, of 'stick rolling' was used on him as a means of sexual assault. He has lost potency since then and is under treatment.

During the interrogation, he was pressurized to give evidence against Nawab Khair Baksh Marri in the murder trial of Justice Marri. Refusal to comply with the tormentors' demands would result in a worse form of torture. On December 24th, 2001, Gul and his uncle were handed over to the police who produced them before the Session Judge, Nazeer Langu, on January 7th, 2002. The police misled the judge by saying that the



*People in Sui, waiting to see the HRCP mission.*

prisoners were apprehended two days earlier. Gul found the courage correct to their statement and showed signs of torture but the judge nevertheless granted seven days remand to the police. Gul paid a heavy price for his outcry and was subsequently tortured in a worse manner.

Gul is suffering from severe infection in the kidneys and testicles. He has not been granted bail and remains in jail.

Noor Muhammad Marri Baloch, arrested with Gul, was tortured and asked to give evidence against Nawab Khair Baksh Marri. He was threatened and told that in case he refused to testify

against the Nawab, his nephew would be killed and his family members abducted. He is accused in four cases, including the murder case of Justice Nawaz Marri; so far, he has been acquitted in two.

Noor is partially paralyzed after being subjected to torture. He was medically examined by surgeons Dr. Hameedullah Buzdar, Dr. Saleem Bareach and Dr. Ameer Muhammad Panazi. Noor is no longer in a position to recognize his relatives. He was released on bail, and is presently undergoing treatment in Karachi.

## Part-2

# Visit to Sui and Dera Bugti Settlement by force!

After reports began to come in of renewed fighting in Dera Bugti, HRCP decided to visit the area, firstly to determine the nature of events on March 17<sup>th</sup>, 2005 and to investigate why a new conflict had broken out and escalated in December. HRCP also wished to assess loss of human life, if any, the threat to civilian populations, the displacement of people and verify reports of other human rights violations.

HRCP heard credible accounts of bombardment, heavy shelling and a siege laid around the town of Dera Bugti by the FC. It also received evidence of disappearances, deaths due to indiscriminate and excessive use of force by the security forces and other serious violations of human rights.

### On route

On 8<sup>th</sup> January, 2006, two teams of the HRCP left for Dera Bugti and Sui. The authorities were intimidated of the mission and a press release was also issued in this regard. Mr. Zahoor Ahmed Shivani and Mr. Zainuddin accompanied by some journalists left Quetta for Dera Bugti. Ms. Asma Jahangir and Mr. Afrasayab Khattak flew to Maitan, with the intention of driving to Sui and Dera Bugti via Kashmore. They too, were accompanied by some journalists.

The Quetta team was stopped at checkpoint Sangsila, manned by Bambore Rifle Wing 64. The officer in charge was Major Naveed. The team was told it could not proceed further along the metalled road, as the 'furraris' were firing and there were landmines along the way. At that time the team was only 45 or 50 kilometres away from Dera Bugti. While at the check-post, team members saw several pick-ups and trucks carrying hundreds of people who were fleeing Dera Bugti, and seemed to be plying along the same road without difficulty. Major Naveed confirmed people had been leaving Dera Bugti for the last three weeks or so.

Mr Zahoor Shawani, who was leading the team from Quetta, was then put in contact with Colonel Furqan at Dera Bugti. He denied the team access. The personnel at the checkpoint suggested to the team that they could take another route, along an unmetalled road, by which it would take them five and a half hours to reach Dera Bugti. They were warned this was a hazardous undertaking. Subsequently with the help of two local Bugti tribesmen, the team took the alternative route. They were warned to switch off the headlights of their vehicles, as the FC often fired on the road. If the FC was sincerely concerned for the security of the team, they would not have suggested taking a worse risk.

Along this very tortuous route, the team saw tractor trolleys, pick-ups and various forms of transport,

including donkeys, on which people were fleeing Dera Bugti.

The Lahore team including Ms. Asma Jahangir and Mr. Afrasiab Khattak was fired upon by unknown persons, about 25 minutes after Kashmore. Their car was singled out and several bullets were fired in their direction for a period of at least five minutes. The team, there after returned to Kashmore and spent the night at the FC headquarters.

Members of the team suspect that the attack was preplanned by an organized agency and carried out in a brazen manner. The road on which the incident took place ran through an open field and anyone lurking around could have easily been spotted by the frequent security patrols in the area. The place where the incident occurred is located between two rangers' checkpoints, minutes away from each other.

A number of HRCP members in Multan, Bahawalpur and Dera Ghazi Khan were contacted by members of the intelligence agencies to inquire about the program and schedule of the mission. At Multan airport, a number of intelligence personnel were present and photographed the car in which the team was traveling. Similarly, at Dera Ghazi Khan, they were once again photographed.

On the night of the incident, an application was submitted to the DSP of Rojhan for filing an FIR. Despite promises, no FIR has so far been filed, and there were no recoveries either made from the place of occurrence or else the evidence was removed.

The following day, the Balochistan Liberation Army (BLA) allegedly claimed responsibility for the attack. According to a press statement appearing in the media, the BLA spokesman expressed his grief at "Punjabis visiting the area in order to rub salt on the wounds of the Baloch people."

HRCP is appalled at the incident and deplors such acts of violence calculated to threaten human rights activists. They remain bewildered at the governments' reluctance to investigate the incident. Moreover considering the findings of the mission it is not quite clear why the BLA would want to scare the team away. We feel the concocted statement regarding the BLA claim could at least have been spared an ethnic slant.

### **FC Headquarters, Kashmore:**

The HRCP would like to express its appreciation for the hospitality and comfort offered to them by the Rangers and FC officers. At the same time, the HRCP would like to put on record that the District Coordination Officer (DCO), Dera Bugti, Mr. Abdul Samad Lasi, the DSP of Rojhan, and other police constables arrived at the FC headquarters and took note of the incident that occurred. The DCO also gave a comprehensive briefing to the team. The team members remain grateful to him for sharing his insights.

### **Briefing of the DCO, Dera Bugti:**

The DCO regretted that he was formally not informed of the visit, but confessed that he was however aware of it unofficially and had been awaiting the team's arrival since three in the afternoon. He claimed that shops and businesses in Sui had been forcibly closed under pressure from Nawab Akbar Bugti, in order to confuse the team about the extent of official harassment and the nature of protests of ordinary people caught in the crossfire. He assured the team that Sui was paralyzed and that there was some trouble in Dera Bugti owing to 'miscreants'.

The DCO denied any civilian casualties had taken place as a result of the conflict in Dera Bugti.

He also made several allegations of abuses and criminal acts committed by the Nawab. Amongst these were running of private prisons, in which, according to the DCO, 250 people were being held captive. After the HRCP team promised to visit these sights, he clarified that since last December, 55 prisoners had been released, and the rest were taken to the "furari" camps to fight against the security forces. He also alleged that

on the orders of the Nawab, opponents were killed and police officials kidnapped. He narrated an incident where DSP Rana Tahir Mansoor was spared in an abduction attempt, because he disclosed that he was a Syed<sup>9</sup>, but the constable and driver accompanying him had been kidnapped. One of those kidnapped, Farooq Ahmed, returned after being kept a prisoner for two months in the private prison of the Nawab at Dera Bugti. The Nawab was also accused of engineering a number of car-jackings. The team was informed that elections in Dera Bugti were held under threat and pressure. All candidates were returned unopposed and no one dared to challenge the candidates of the Nawab. In short, the DCO said, that the Nawab was running a “parallel State.”

The DCO was kind enough to share a paper with the team entitled, “Akbar Bugti: A failed man.” The paper was being distributed by the FC headquarters, as a fax number 081-9201831 and PRO HO FC QTA was printed on it.

The DCO vehemently denied any army action or operation in Dera Bugti, but said that “an army action” was taking place in Kohlu.. He maintained that the security forces were only defending themselves against the Bugti militants. Their presence was crucial for the protection of roads, gas pipelines, and other installations. According to him, the local population welcomes the presence of the security forces and look upon them to protect them from the exploitations of the Nawab. He was particularly concerned about the protection of the sub-tribes who had fallen out with the Nawab. These sub-tribes, according to him, are mainly the Masoori, Kalpar, and Ahmadan. Elaborating on inter-tribe feuds, the DCO



*Another cantonment comes up in Balochistan.*

said that the Dinari Kalpars were now disputing the ownership and possession of the land in Sui, held by the Nawab, and were claiming it as their own.

Explaining the situation in Sui, the DCO claimed that the government is fully in control of the town and there was no support for the Nawab. In fact, he quipped that the Nawab’s only presence was his house, which too, the DCO has been advised to take over. At the same time, the DCO maintained that the Nawab was a “hurdle” to the government’s plans of development. Hence, the government, according to him, was determined to get rid of Nawab Akbar Bugti at any cost.<sup>10</sup>

Analyzing the situation, the DCO said that the tension between the government and militant Bugtis lies in the latter’s refusal to acknowledge the identity of Pakistan. In his view, all demands of provincial autonomy had become irrelevant, as the present regime was determined to strengthen district governments. He believed that these were the demands of modern governance. He was also of the opinion that Balochistan was not the “heritage” of the Baloch, as they were historically a minority ethnic group coming from West Asia. The indigenous people of the area were called ‘Toran’, and the DCO himself belonged to this group.

On development issues, the DCO said that the government had already allocated a sum of Rs.1 billion for the building of cantonments in Sui. Half of this amount had already been sanctioned. He gave documents with plans of shifting the town of Sui to a new location, to be named Sohriabad. It is planned to be located in Tilli Mat, near the headquarters of Union Council Gandoi. The thirty thousand residents of Sui are planned to be shifted to this new location, while the cantonment and the compound of Pakistan Petroleum Limited will remain in Sui.

Upon inquiry, the DCO authoritatively claimed knowledge that the rape of Dr. Shazia had taken place, but, according to him, the rapists were Bugtis.

He later disclosed that Dr Hanif Bugti, a pathologist working at the PPL, was whisked away by an intelligence agency. According to him, while Dr Bugti was on duty, a white-coloured Datsun came and took him away, on suspicion of being involved in the Dr Shazia case. Dr Bugti's wife is also employed at the same place.

The DSP of Rojhan also expressed his bitterness against the Bugtis. He blamed them for disturbing the peace of ~~his area~~ <sup>his area</sup>, which falls in Punjab and is located around fifty kilometers away from Sui. According to him, the Bugtis were primitive, violent, and "only bathed once a year."

### Observations made in Sui

The gas pipeline runs for miles from and around Sui. It is mostly exposed and unattended, as guarding it physically would be impossible. There are credible reports of attacks on the pipelines and other installations. Government sources report 15 such incidents took place until December 2005. The local population, however, corrected the impression that the Bugti tribe was all out to destroy the installations. Some incidents had occurred but, according to their version, these were overblown. They pointed out that for many years they had protected the pipelines, without any hurdles and that their income comes from that very source. They said that only extreme desperation could lead to the destruction of gas installations. HRCP hopes that the confrontation never reaches such a stage.

Contrary to the impression given by the DCO, the team found the local population hostile to the military. The team received an extraordinary reception by hundreds of people, including children. A large number, also came out of their houses spontaneously to meet the team. All shops and businesses of the town were closed. Independent sources confirmed that business had come to a halt since December 30<sup>th</sup> 2005, after apprehensions of even worse violence by the Frontier Corps.

Local people told the team that along with the troop movements, a house-to-house search was conducted in Sui. An already tense situation was further aggravated, as hundreds of people from Dera Bugti started to move to Sui. The HRCP team met a large number of displaced persons, who were residents of the town of Dera Bugti and had now moved to Sui or were in transit.

The people that the team met complained bitterly about the treatment meted out to them by the security forces. Members of the team had spread themselves out, to enable them to hear all versions of the events. A number of passersby and children were also interviewed in groups and individually. They all wanted hostilities to end and the security forces removed to a distance. In other words, a demilitarization of the district. They were numerous complaints against the security forces, particularly of brutal behaviour, even towards children. The team saw marks of bullets on school buildings, homes and shops. The locals were terrified and angry. They asked the team if their own army even considered them citizens. They gave evidence that gun-ships, helicopters and fighter jets were used to bombard Dera Bugti. They complained that their children had gone crazy, due to fear.

They accused the government of meting out collective punishment to the Baloch for the rocket launcher

attacks during President Musharraf's visit. They asked whether Karachi or Islamabad was bombed after the attacks on the President and Prime Minister, from which they escaped narrowly. They refuted the argument that the FC was there to protect gas installations, by pointing out there were no such installations in Dera Bugti, yet the FC was fully entrenched in the town. The team later saw the situation first hand. The FC has numerous 'morchas' and check posts, and in fact a picket of the FC is based on a hill overlooking the residential quarters of Nawb Akbar Bugti.

There were a number of allegations made of abuses committed by the security forces against unarmed civilian. The HRCF could not verify all such complaints because of the large number of such allegations, but some credible information is being documented.



*Asma with Bugti children in the streets of Sui.*

As regards the extra-judicial killings of non-combatants in Dera Bugti by the security forces on March 17<sup>th</sup> 2005, HRCF received evidence that at least 43 non combatants were killed by indiscriminate and excessive use of force of the security forces. The list of victims is given below:

### **List of Hindus killed on March 17th, 2005 at Dera Bugti**

<b>Sr.#</b>	<b>Children's name and parentage</b>	<b>Age</b>
1.	AttiDivid/oBachaMal	One & half years
2.	Quvita Devi d/o Dewan Chand	3 years
3.	Sarkasha Devi d/o Saroon Kumar	Two & half years
4.	Amar Devi d/o Rajes Kumar	One & half years
5.	Deepak Kumar s/o Narenjan Kumar	One & half years
6.	Vicky Kumar s/o Tara Kumar	One & half years
7.	Ajeet Kumar s/o Vicky Kumar	2 Years
8.	Washal s/o Manohar Lai	Five & half years
9.	Raveet s/o Manohar Lai	Two & half years
10.	Rekha Devi d/o Rukan Chand	5 years
11.	Ameer Chand s/o Rukhan Chand	2 years
12.	Sant Kumar s/o Nand Lai	5 years
13.	Sangeeta Davi d/o Nand Lai	3 years
14.	Narmeeta Devi d/o Moti Lai	7 years
15.	Vikram s/o Sant Lai	9 years
16.	Barkha Devi d/o Luchhman Singh	3 years
17.	Ramesh Kumar s/o Preetam Kumar	lyear
18.	Ravi Kumar s/o Ramesh Lai	5 years
19.	Ameet Kumar s/o Dewan Chand	16 years

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**Women Name**


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- |   |                                 |
|---|---------------------------------|
| 1 | Zarka Devi w/o Manohar Lai      |
| 2 | Sharmeela Debe w/o Rukhan Chand |
| 3 | Mai Conish Devi w/o Moti Lai    |
- 

**Men Name**


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- |    |  |
|----|--|
| 1  | Mukhi Mohan Mai s/o Brama Mais   |
| 2  | Dewan Chand s/o Tara Chand   |
| 3  | Saroom Kumar s/o Deyal Dass  |
| 4  | Laloo Mai s/o Deyal Dass   |
| 5  | Ram Lai s/o Chander Lai  |
| 6  | Rajesh Kumar s/o Chander Lai   |
| 7  | Narjen Kumar s/o Ranjhan Dass  |
| 8  | Nand Lai s/o Sobha Singh   |
| 9  | Resha Dass s/o Nand Lai  |
| 10 | Bacha Mai s/o Mokhi Mohan Mai  |
| 11 | Suresh Kumar s/o Santu: succumbed to his injuries on 22 <sup>nd</sup> of March, 2005 |
- 

**Men Injured**


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- |    |                                |
|----|--------------------------------|
| 1  | Ashok Kumar s/o Tara Chand     |
| 2  | Gulshan Kumar s/o Sunder Lai   |
| 3  | Jaspal s/o Sunder Lai          |
| 4  | Santosh Kumar s/o Moti Lai     |
| 5  | Govind Ram s/o Rukhan Chand    |
| 6  | Ramesh Kumar s/o Moti Lai      |
| 7  | Narres s/o Tara Chand          |
| 8  | Mankoo s/o Deyal Dass          |
| 9  | Krin Kumar s/o Lai Chand       |
| 10 | Pond Kumar s/o Deyal Dass      |
| 11 | Bhagwan Dass s/o Meechal Ram   |
| 12 | Sham Lai s/o Nama Mai          |
| 13 | Bhagoo Mai s/o Chon Lai        |
| 14 | Roshan Kumar s/o Moti Lai      |
| 15 | Vicky s/o Doulat Ram           |
| 16 | Navend Lai s/o Mohan Ram       |
| 17 | Darshan Kumar s/o Bhagwan Dass |
| 18 | Jewat Lai s/o Lai Chand        |
| 19 | Sanjeet s/o Anand Lai          |
-

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**Sr. # Woman injured**


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- 1 Tai Devi w/oChander Lai
  - 2 Anjna Devi w/o Rajinder Kumar
  - 3 Asha Devi w/o Dewan Chand
  - 4 Daughter of Chander Lai
  - 5 Mai Laila w/oSantoo Mai
- 

**Bugti tribesmen killed**

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**Sr. # Man injured**


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1. Yar M. Karmanzai s/o Hazar Khan
  2. Gulzar s/o Raitag Dodazai
  3. Shah Jamal alias Tota s/o Molha Moondrani
  4. Ali Muhammad s/o Eido Karmanzais
  5. Murad Bakhsh s/o Moula Bakhsh Karmanzai
  6. Murid s/o Zarak Kmaranzai
  7. Sharif s/o Shahwano Phoonja
  8. Ghouseo Ramezai s/o Jango
  9. Amin Mandwani s/o Dina Moondwani
  10. Janga s/o Mast Ali Chandrazai
  11. Wali Dad Marhata
  12. Malook Masoori s/o Daryan
  13. Ghulam Ali Ranazai s/o Ramoo
  14. Udo Sandrani s/o Tangi
  15. Nasiban s/o Namal Kamanzai
  16. Raman Nothani
  17. GulBaharNothani
  18. Mohammad Din Joz
  19. Ilmuddin Shambani
  20. Yar Khan Sianzai
  21. Wushdal Dom
  22. AmiruddinDangi
  23. Taj Kohli
  24. KoolMir
  25. Wasyak Pirbur
  26. Nawabuddin Hamzani
  27. Gohram Marshata
  28. Bari Pahi s/o Raman
-

## The Hindu Community

HRCF met a delegation of the Hindu community, who had left the town of Dera Bugti and were taking refuge in Sui. They told the team that all members of their community had shifted out of Dera Bugti. Some were in Sui, while others had migrated to other parts of Pakistan. They presented a home video to the press and members of the team. It was shot during the outbreak of violence on March 17th, 2005, in Dera Bugti. The video shows unarmed civilians running around for shelter during shelling, bombardment, and firing. According to them, the fatalities occurred because of the heavy force used by the Frontier Corps. They confirmed that 33 members of their community were killed, mostly women and children, who were in their homes and could not take shelter quickly enough. The video shows dead bodies with severe injuries.

Hattu Ram, a small shop owner, aged 60, told HRCF that 200 to 250 Hindu families had migrated from Dera Bugti to Kashmore, Lehri and other places. Only two Hindu and three Sikhs remained in the town. The Hindus homes had been located under the boundary wall of Nawab Akbar Bugti's residential quarters, and almost the entire community had fled in fear after fighting began..

## Inter-tribal complaints and feuds

HRCF was approached by Sardar Ghulam Qadir Masoori (from a sub-tribe of the Bugtis), and requested by him to investigate allegations made against Nawab Akbar Bugti. HRCF hopes that the government will inquire into all such complaints and take appropriate legal means to redress the grievances of Sardar Ghulam Qadir Masoori.

Colonel Furqan was already handling the matter and said the Masooris were "taking shelter" with the FC and would be transported back to the Baiker area.

In his complaint, Masoori disclosed that he was a member of the Majlis-e-Shoora during Ziaulhaq's regime. Later, he contested elections against Salim Bugti, the son of Nawab Akbar Bugti. According to him, he lost but secured a substantial amount of votes, thereby annoying the Nawab. Sardar Ghulam Qadir wrote that he had carried out a number of development projects, which were opposed by Nawab Akbar Bugti. He gave an account of the Nawab's abuses against him and members of his clan. Amongst other accusations, he wrote that the Nawab had imprisoned him in his private jail but he was able to escape on April 17<sup>th</sup>, 2005. According to him, as a routine practice, the Nawab ordered shaving off the head, beard, and moustache of his adversaries. He listed names of people who had suffered this abuse.

In Sui, the team met around 25 persons in the PPL compound and in the house of the DCO, Dera Bugti. The group identified themselves as members of the Kalpar sub-tribe. They declined to give their names or be photographed or interviewed by the press. They expressed fear and apprehended reprisal by the Nawab. They narrated the background of their feuds with, the Nawab, which HRCF is acquainted with and urged the government to bring all perpetrators of crimes during these feuds to justice.

The Kalpars also made allegations of abuse by Nawab Akbar Bugti and his tribesmen. They, too, alleged, that the Nawab often punished people by shaving off their heads, beards, and moustache. They also made a strong plea that the Bugti land in Sui belonged to them, rather than to any other Bugti sub-tribe or the Nawab.

The HRCF team noted, with distaste, that four members of the secret services were in the room and recording a video of the meeting. The team members forbade them from doing so, as the Kalpars had themselves expressed their apprehension at being filmed or photographed. Team members requested the secret services agents to leave the room, which they did. A few minutes later, three other secret services agents joined the

meeting.

The HRCP team was given a counter version by the Bugti tribe. Without going into the details of the sub-tribe feuds, the team members were told that there are official documents to show that elections have been contested in Dera Bugti except in exceptional instances. They denied that anyone was abducted by the Bugtis. On the contrary, they claimed that Ghulam Qadir Masoori himself came to organize a jirga, in Dera Bugti, to resolve their own infighting. According to them, he was flown to Quetta in March on an FC helicopter to safety after an army action and on his arrival he denied being kept at Dera Bugti forcibly.

The Kalpar-Bugti enmity dates back to many years. HRCP had taken up the issue of the Kalpars in June, 1993. It is recorded in the *Jehd-i-haq* of July, 1993.<sup>11</sup>

According to independent sources, the feud turned bloody when, in May 1992, Amir Hamza (Kalpar), was shot dead in a polling station during elections, while opposing late Salal Bugti (son of the Nawab). The Kalpar alleged that Salim Bugti, the elder son of the Nawab had abetted the crime. He was declared innocent during investigation but the main accused was subsequently tried and acquitted. A few days after the murder of Amir Hamza, the son of Nawab Akbar Bugti was shot down in Quetta. It is widely reported that when Prime Minister Nawaz Sharif went to condole with the Nawab, he was shown a fax sent by the ISI office in Quetta to their head quarters, predicting that “something big” was about to happen.

HRCP is in no position to dispense justice between the tribes. It has repeatedly urged the government to ensure that justice is equally applied to all citizens of Pakistan and that justice is made accessible to all individuals. The writ of the government can only be respected if the system of justice is made effective and independent. The ready use of violence does not ensure the writ of any civilized government. HRCP, also finds the government's methods of exploiting intra-tribal rivalries distressing. A number of lawyers, including the lawyer engaged in the murder case of Salal Bugti, confirmed that three accused persons, tried in absentia, are now openly holding press conference, arranged by government functionaries, and covered in the media.<sup>12</sup>

## **The Town of Dera Bugti**

### *Account of the Frontier Corps*

The team from HRCP was graciously received and briefed by Col Furqan, head of the FC in Dera Bugti. The Colonel showed the empties of rocket launchers, shells and other ammunition used by Bugti militants against the FC. He also gave his version of the events of March 17<sup>th</sup> in Dera Bugti.

Colonel Furqan told the team he did not know the number of civilian casualties.

He complained of land mines laid by Bugti militants. Four vehicles of the FC were destroyed, in the last eight days, by explosion of the mines. He was grieved that 13 FC were killed since July 2004, and in total 104 had lost their lives since 1977 during the present conflict or past standoffs between the Bugti tribesmen and the FC. He did admit, however, that between mid April to end June, not a single incident took place, because of Shujaat-Mushahid intervention. According to his version, the hostilities restarted, after June 2005, because of an incident of explosion of a land mine near Pekal, resulting in the amputation of the leg of a soldier. Although, the Bugtis denied responsibility, yet, according to Colonel Furqan, the FC took positions to defend itself. The Bugti tribesmen insist that the incident was an excuse for the FC to renew hostilities. They deny involvement in laying mines in Pekal.

At the FC headquarters, the team met a couple with an injured child. The mother explained that the child was injured during crossfire between the two sides. The Colonel was also kind enough to present the team with an audio tape and transcript of a speech allegedly made by Nawab Akbar Bugti, although it was

recorded in Urdu by another person for reasons of translation. The date on the transcript was *Cheor6*, after the Nawab had left his home for an undisclosed location. The tape includes some derogatory remarks against Punjabis.

The tone of the Colonel about the Bugti tribesmen was at best patronizing. He boasted that he was providing them with education, health and an opportunity to lead a hygienic life.

HRCF regrets and deplors the killings of FC soldiers. It is alarmed at the use of land mines by the militants and urges them to cease this method of warfare immediately. At the same time, the HRCF, was bewildered by the role of the FC headquarters in preparing propaganda material against their adversaries. Agents of the State must remain neutral and abide strictly to the role attributed to them by law.

### The town and its people

Dera Bugti town has a population of around 25,000 people. The district of Dera Bugti has a population of 182,000. Even according to government sources, 85% of the residents of Dera Bugti have left town. The mission saw what looked like a ghost town. Even the district nazim had been driven away. The very few left behind had either taken refuge in the compounds of Nawab Akbar Bugti or were preparing to leave. The



*The deserted streets of Dera Bugti Town on Jan. 9<sup>th</sup> when the HRCF team visited it.*

HRCF team travelling from Quetta, saw a number of vehicles on the way, laden with household goods and family members leaving Dera Bugti. On the team's enquiries, they confirmed that daily firing and shelling by the FC had put their lives at risk. They narrated their accounts of the army action of March 17<sup>th</sup>, 2005, confirming civilian casualties. They also complained about the callous behaviour of the FC, and their derogatory attitude towards local people. All of them confirmed that schools had not been functioning, as

children had stopped coming after the conflict started in March, but closed completely after renewed fighting in December 2005. The team was able to see that the town was deserted. There was no water or electricity except in very few locations. The only sign of life was in the FC headquarters and in the compound of the Nawab, where around 200 people were hanging around- some armed but others were unarmed and were seeking shelter there. There was also a bunker with ammunition at the entrance of the compound.

During the team's visit, not a single bullet was shot from either side. It was some encouragement to hear some FC officials, who in confidence told the team that the solution to the dispute at hand did not lie in the use of violence and needed to be resolved through political means. At the same time tribesmen at the Bugti compound expressed similar concerns.

HRCP found nearly all the shops at Dera Bugti closed. They were told they had remained shut for over a month. A shopkeeper, who spoke to a team member at his medical store, stated he had opened his shop after a month, and only because the HRCP team was in town. He said he had only a few syrups and tablets, and no other medical supplies. Only this store and two small kiosks were open from the 200 or so shops in Dera Bugti.

## **Meeting with Nawab Akbar Bugti**

The HRCP team drove down to an undisclosed location to meet the Nawab. They expressed their concerns to him, particularly on the issue of using mines, running of private prisons and alleged abduction of eight policemen. The Nawab did not deny that there were mines around but denied that his tribesmen were involved. About private jails, he explained that the facts were being distorted. According to him, the punishment for those convicted by local jirgas, is executed by limiting their movements. Therefore, such people hang around in a confined area but they are not locked up in a prison. He emphatically denied abducting eight policemen. According to him, the authorities had contacted him to use his good offices, in locating the abducted policemen. He said he had tried to get them freed but was unsuccessful.

On a more positive note, the Nawab, agreed that the root cause of the dispute was political, which must eventually be resolved through political means. At the same time, he had several misgivings and did not trust the motives of the government. He was convinced that they had been spoiling for a fight, in order to establish a military rule in the area, for the purposes of getting exclusive management of the natural resources of the Province.

## **Human rights violations**

During both missions, the HRCP teams were given documentation and verbal accounts of incidents of human rights violations. HRCP could not verify all accounts presented to them because of time constraints and because Dera Bugti was virtually empty. However, those reports, which were either confirmed by a credible source or given first-hand, are being documented. Other allegations, provided by the spokesperson of Jamhoori Watan Party, are being reproduced.

## **Bombings**

The residents of Dera Bugti, who met the team in Sui, on route and in Dera Bugti city, all confirmed that the FC bombed civilian targets on March 17<sup>th</sup>, 2005. Since December 30<sup>th</sup> 2005, use of rocket launchers, shelling and bombardment has regularly been carried out by the FC. They have used heavy weaponry, gunship helicopters and rocket launchers targeting civilian targets and population as well. It is alleged that since then at least 150 civilians, mostly women and children have been killed. This figure includes the fatalities suffered on March 17<sup>th</sup>, 2005.

The HRCP team saw widespread destruction of schools and houses in Dera Bugti and Sui. Local people also showed the team pieces of shrapnel and other evidence of the devastation caused by the fighting.

## **Indiscriminate use of force**

There was overwhelming evidence, by the destruction visible in the area, that the security forces have engaged in excessive and indiscriminate use of force, also against the unarmed civilian population.

## **Disappearances**

- ◆ Gul Muhammad Bugti, father of Khadim Hussain, resident of Mandowali Colony, Thesil Sui, Zila Dera Dugti was abducted on November 17<sup>th</sup>, 2005. According to his family members he

was picked up while appearing in court and that, there were at least four eyewitnesses present, who are willing to testify to the facts. He has since never been heard.

- ◆ Sher Muhammad, general secretary of Pakistan Petroleum Workers' Union (PPWU) CBA, Mirza Shaukat Ali, President PPWU, Saifuddin deputy secretary PPWU, Haji Taj Muhammad, member PPWU, Ghulam Muhammad, Vice President, PPWU, Niaz Muhammad, Senior vice president PPWU, Niaz Muhammad, Joint Secretary PPWU, Tanvir Ahmed, Vice president Adhi Field, Nadeem Asghar, member PPWU, Abdul Aziz son of Haji Taj Muhammad, Abdul Hamid, Mir Ahmed, Mahmud Kafil Ahmed, Amir Ali and Khuda Baksh are from PPWU. The sixteen people named above were invited by the management of Pakistan Petroleum Limited to Karachi for holding negotiations on the charter of demands presented by the Union. On December 6<sup>th</sup>, 2005 they reached Karachi and were put up in Regent Plaza Hotel by the management. On 7<sup>th</sup> and 8<sup>th</sup> December the Union members held negotiations with the management. The above mentioned Union members and leaders were asleep when they were rounded up by security forces accompanied by plainclothes persons. According to the eyewitnesses, the incident took place at 2 a.m. (early morning) of 9 December. There were other two persons who were also taken with them. The whereabouts of all 18 persons are unknown.
- ◆ A letter dated 22 December, 2005, written by Javed Masood, Managing Director PPL, confirms that the Union members did indeed arrive in Karachi for negotiations on the Charter of Demands. They were accommodated at Hotel Regent Plaza and held discussions on 7<sup>th</sup> and 8<sup>th</sup> December, 2005. They were expected to meet the following day but when they did not turn up the management tried to contact them over the telephone. They received no response and according to the letter they were making all efforts to trace the missing persons.
- ◆ Master Faiz Muhammad father of Abdul Hafeez, a teacher of Primary School, Muhammad Colony, Sui, was also picked up by security forces between the night of 8<sup>th</sup> and 9<sup>th</sup> December, 2005. He accompanied the members of the Union to get medical treatment.
- ◆ There are four other reports of disappearance of workers from the PPL compound. The families have requested for anonymity, because either negotiations with the perpetrators are underway or because the matter is pending in court.

**List of person killed since 31st December, received from Jamhoori Watan Party**

<b>31 Dec. 2005</b>	2 men, 2 women, 6 children in Peekal in Gunship attack		
<b>1 Jan. 2006</b>	Muhammad Amin s/o Dil Karim	Male	Near Pesh Boghi
<b>2 Jan. 2006</b>	Shah Dost s/o Shohil	Male	Jori
	Mst. Dauli w/o Hakim	Female	Jori
<b>4 Jan. 2006</b>	Gullu s/o Daurani	Male	Dera Bugti
	Umeda s/o Rugha	Male	Dera Bugti
	Eido s/o Jetha	Male	Dera Bugti
	Daruesh s/o Tanghav	Male	Dera Bugti
	Qadoo s/o Jetha	Male	Dera Bugti
	W/o Shehan	Female	Dera Bugti
	W/o Rahu	Female	Dera Bugti
	W/o Haideran	Female	Dera Bugti

	Khudija d/o Rahu	Female	Dera Bugti
	Huran d/o Marri Khan	Female	Dera Bugti
	Fakhardin s/o Humbo	Male	Dera Bugti
<b>5 Jan. 2006</b>	Hoor bibi w/o Haji Khan	Female	Near Pehs Boghi
<b>10 Jan. 2006</b>	Samad s/o Mularak	Male	Dera Bugti
	Bakhtawar w/o Samad	Female	Dera Bugti
	Jan Bakht w/o Mubarak	Female	
	Rani Bibi w/o Qadir	Female	
	Gul Khan s/o Samad	Child	
	Mehrullah s/o Qadir	Child	
	Noor bibi d/o Qadir	Child	Dera Bugti
	Fatima d/o Samad	Child	Dera Bugti
	Ghulam d/o Allah Baksh	Child	Dera Bugti
	Ejaz s/o Allah Baksh	Child	Dera Bugti
	Gulab s/o Noor Elahi	Child	Dera Bugti
	Mehar Ali s/o Ganhawar	Male	Loti
	Raj bibi d/o Ganhawar	Female	Loti
	Ali Gul s/o Mehar Ali	Child	Loti
	Naz bibi d/o Gam	Child	Loti
	Mah Guld/oGaru	Child	Loti

***Accounts of persons injured since 31st December, received from Jahmoori Watan Partx.***

<b>30 Dec. 2005</b>	2 men, 4 women, 8 children in Dera Bugti
<b>31 Dec. 2005</b>	9 men, 13 women, 21 children in Peekal in gunship attack
<b>31 Dec. 2005</b>	4 men, 6 women, 11 children in Dera Bugti
<b>1 Jan. 2006</b>	5 men, 3 women, 7 children in and around Dera Bugti
<b>2 Jan. 2006</b>	3 women, 5 children in Jori
<b>3 Jan. 2006</b>	No casualty reported.
<b>4 Jan. 2006</b>	4 women, 11 children in Dera Bugti
<b>4 Jan. 2006</b>	3 women, 10 children in Siah Koh
<b>5 Jan. 2006</b>	No case reported
<b>6 Jan. 2006</b>	No case reported
<b>7 Jan. 2006</b>	3 women, 5 children in Dera Bugti
<b>7 Jan. 2006</b>	1 woman, 3 children in Loti
<b>8 Jan. 2006</b>	1 man, 1 lady, 3 children in Dera Bugti
<b>8 Jan. 2006</b>	2 women, 1 children in Loti
<b>9 Jan. 2006</b>	HRCF visit
<b>10 Jan. 2006</b>	4 women, 16 children in Dera Bugti town + Valley
<b>11 Jan. 2006</b>	No case reported
<b>12 Jan. 2006</b>	No case reported
<b>13 Jan. 2006</b>	No case reported
<b>14 Jan. 2006</b>	No case reported

## Reports of summary executions

HRCP was grieved to learn that soon after the return of their team, six FC soldiers were injured by the explosion of a land mine. Three of them succumbed to their injuries and passed away in Sui hospital the same evening, on January 11<sup>th</sup>, 2006.

The facts were then verified by both sides. It was also learnt and confirmed by HRCP through independent sources, that at the Pattar Nala, the FC raided a hamlet and burnt down some homes. On their return, three FC soldiers were injured by the explosion of a land mine. While the soldiers were transported to Sui hospital, a raid was conducted on the same hamlet, which had already been burnt. Those living there were preparing to leave out of fear, but the FC apprehended 12 local men and took them to the FC headquarter, Dera Bugti. Around four in the evening, news came of the death of three of the injured FC soldiers. It is reported, that enraged by this news, the FC officials summarily executed all 12 persons in their custody. They then sent for their families to collect the dead bodies. Some women dared to go but were sent back and asked to send their male family members. Finally four days later, on January 15<sup>th</sup>, 2006 two old men of the tribe, Muhammad Murad son of Sakib Khan and Malang son of Wazir Khan were sent to do the job. They too did not return. The next day all 14 bodies were handed to the Tehsildar, Dera Bugti, who delivered the bodies to their families.

The names of the 12 men killed earlier are; Gulu s/o Muhammad Murad, Kamal s/o Wazir Khan, Qadir Bux s/o Murad, Said Ali s/o Murad, Razi s/o Badu Khan, Ghulam Hussain s/o Badu Khan, Lai Bux s/o Maujan, Lai Mohammad s/o Moujan, Mamir s/o Lai Muhammad, Amir Khan s/o Sher Khan, Zarin s/o Malang and Tao s/o Lai Bux.

## Arrests and take over of Bugti House, Sui

After the departure of the HRCP team, the DCO Dera Bugti forcibly took possession of the Bugti House in Sui, where the team members and journalists had spent the night<sup>12a</sup>. The house was some to ten minutes drive away from the PPL compound.

All the domestic staff was arrested along with the tehsil Nazim, who protested against the take over. Till the writing of this report it could not be confirmed if any of them had been released.

## ***Appendix 'A'***

# **The province of Balochistan**

The tribal system in Balochistan has existed for centuries. Historically, the Baloch heartland consisted of the Kalat state, a strong tribal confederacy ruled by its chief, the Khan of Kalat, from 1666 to 1839 when British colonial rule expanded to the North West of the Indian subcontinent. After consolidating their grip over the area in the second half of the 19th century the British divided it into three zones: British-ruled Balochistan, native Balochistan or the Kalat state union and 'Nabatat' or the leased areas. The British exercised direct control over British Balochistan while the bigger part consisting of Kalat state and its three constituent states of Lasbela, Khاران and Makran were under indirect British control, enjoying internal autonomy. This part of Balochistan was merged into the newly created state of Pakistan on April 1, 1948 after military action by the government of Pakistan against the Khan of Kalat. In 1955 Balochistan was merged into One Unit when the provinces and administrative units in West Pakistan were abolished to create one Province. In 1970, after the dismemberment of One Unit the province of Balochistan regained its identity and was recognized as one of the four federating units of the country in the Constitution of 1973.

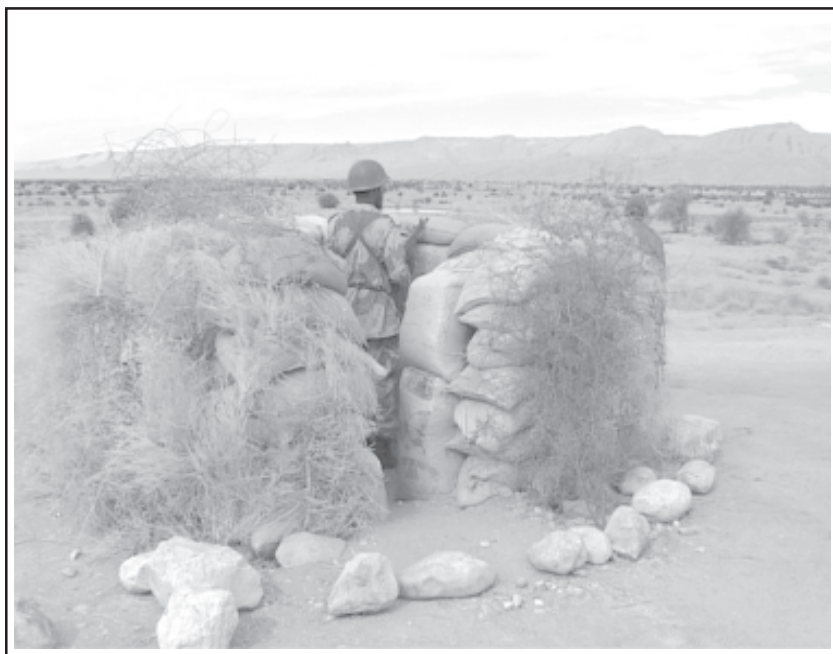
### **Resources and social indicators**

According to official records, Balochistan generates a revenue of Rs. 1.622 billion, apparently just enough to pay the monthly salaries of government officials. The provincial government receives a grant of Rs.27 billion from the Federal Government and has a deficit of Rs.15.5 billion.<sup>13</sup> Though starved for revenue the province is rich in natural resources. It is endowed with rich reserves of natural energy (gas, oil, coal) and minerals (gold, copper).

The government says it is keen to explore these reserves, but there is strong resistance from Baloch nationalists who are vehement that natural resources of Balochistan should no longer be exploited for the benefit of the Punjab. They argue that the royalty formula and the rate fixed for the natural gas of Sui is unfair and manipulated by the federal government. The Balochistan National Party says that Baloch nationalists are

not opposed to development but against the exploitation of these natural resources, without benefit to the local communities. On the other hand the federal government is distressed at the obstacles placed by local tribes in the way of development.

To resolve these issues an inter-party Parliamentary Committee on Balochistan was formed in September, 2004. The sub-committee, headed by Senator Wasim Sajad, to look into inter-provincial matters has still not



*An FC fortification: Who is the target?*

submitted its report. Another, sub-committee, formed to examine the current issues, concluded its report. It is criticized for hedging comment on the basic dispute, but it did make a few observations and recommendations. It was a step in the right direction and could have led to further negotiations, but for various reasons, this initiative could not be carried forward.

In its report the Committee noted that all multinational enterprises wishing to invest in Balochistan, wanted sovereign guarantees from the Federal government, which it was unable to provide without the co-operation of the tribal leaders. At the same time, they noted, that the

12.5% royalty fixed for gas, drawn from the Sui area, was based on ‘wellhead value’, which was much below the market value received by other gas fields in other Provinces.<sup>14</sup> The royalties are received by the provincial governments.

A large number of Balochistanis never fail to point out that natural gas was discovered in Balochistan in the early 1950s but it was only in 1976 that the Province got its first liquefied petroleum gas (LPG) in Quetta. Later, pipelined gas was made available in Quetta but Sui town, which houses the gas plant, mostly does not have piped gas connections.

Angered by, a perceived or real sense of deprivation, Baloch nationalists have long conducted a campaign of protest against the Central government, which has sometimes erupted into violence. The Musharraf government argues that, the unending cycle of militancy by Baloch nationalists has impeded the federal government’s efforts at development in the region. The President of Pakistan publicly blamed the tribal chiefs for their anti-development stance. He then amended his statement saying that only three out of 78 tribal chiefs in the province were “troublemakers”—these being Nawab Akbar Bugti, Nawab Khair Baksh Marri and Sarder Ataullah Mengal. On another occasion, while speaking to a local private channel the President warned Baloch militants that it, was not the 1970s, promising that “they will be struck with weapons - they will not know what happened to them”. Balaach, the son of Khair Baksh Marri, retorted that this was indeed not the 1970s and that Pakistan’s rulers should learn a lesson from Iraq.

The hostilities and violence has escalated on the plea of giving the local populations better economic opportunities; yet they are the worst sufferers of the conflict. The socio-economic conditions of the people remain abysmal. According to a report published by the Karachi-based Social Policy and Development Centre

Indicators	Balochistan	Pakistan
Literacy (Female)	26.6% (15%)	47% (33%)
Primary School Enrolment (Female Participation)	49% (21%)	68.3% (49.2%)
Access to Sanitation	7%	18%
Infant Mortality Rate (Per 000'LB)	108	100
Village Electrification	25%	75%
Access to Safe Drinking Water	20%	86%

*Source: Report of the Parliamentary Committee on Balochistan (Nov. 2005).*

(SPDC) in 2005, the incidence of poverty is much higher in Balochistan than any other province. On average 48 percent people are living below poverty line. The condition in rural areas is worse as 51 percent population does not have proper food, clothing and shelter. Moreover they do not have access to pure water, health and education.

According to the 1988 census Balochistan had a population of 6,511 million in an area of 347,190 km. The population density is 19 persons/km making development, particularly of building infrastructure, more difficult and expensive. The table below shows some of the social indicators:

## Federal structure of Pakistan

Since its inception, and particularly on the basis of the 1973 constitution, Pakistan has been a federal state with a parliamentary system. Due to numerous disruptions during democratic transitions, by way of military coups, a number of distortions have crept in, making its system very centralized and practically unitary in nature. The military has held most power in this set-up.

In such systems, the principles of separation of powers and a structure of federalism remain seriously undermined. Despite a feeble attempt at creating a parliamentary system, there remains little doubt that decisionmaking is in the hands of the military. The expression 'unity of command' is often used by military leaders. Punjabis dominate the population of Pakistan and the ethnic composition of the military, and thus the overwhelming impression in Balochistan is that the military and Punjab's establishment run the country to fulfill their stakes. Baloch nationalists also argue that Balochistan was given a step-motherly treatment even during the brief periods of transitional democracy. They lament that even the Constitutional guarantees, (though inadequate), have not been respected by the Federal government.

The Constitution of Pakistan distributes powers between the Federation and the Provinces. The federal parliament has an upper and a lower House. In the latter there is representation on the lines of population while the composition of the former is based on the principle of provincial parity.<sup>15</sup> In addition to this, the Constitution gives two lists of subjects, the Federal and Concurrent. The Federal Parliament has powers over matters

mentioned in both lists, while the provinces have exclusive rights over matters not mentioned in either list, as well as, over subjects mentioned in the concurrent list. However, if both the Federal and Provincial parliament legislates at variance on subjects in the concurrent list, the enactment of the Federal parliament will prevail.

Three main mechanisms established in the Constitution for dealing with inter-provincial and Federal-provincial matters are the Council of Common Interests (CCI), the National Economic Council (NEC) and the National Finance Commission (NFC).<sup>16</sup>

The Constitution has set out a formula of royalties and duties to be charged on natural gas. In the present situation, any dispute, given the right opportunity, could have been resolved through these inter-provincial mechanisms. These remain dysfunctional and have not met with any regularity. Their composition is also loaded against smaller provinces. Above all, mistrust between the main actors of the federal and provincial set-ups means disharmony has multiplied over the years.

### **Structure of governance**

The management of the army, navy and air force as well as of cantonments is a federal subject, while maintaining law and order including policing remains a provincial subject. The Constitution obliges the federation to protect every province against external aggression and internal disturbances, as well as to ensure that the provincial government runs in the accordance with the provisions of the Constitution.<sup>17</sup>

The federal government may direct a Province to take steps to prevent any “grave menace to the peace and tranquility or economic life” of Pakistan.<sup>18</sup> The federal government may also proclaim an emergency, in situations of grave internal disturbances which appear to be beyond the control of the Provincial government.<sup>19</sup> Article 245 empowers the federal government to direct the Armed Forces to act, “in aid of civil power,” when called upon to do so.

According to the Constitution the federation may acquire land situated in a province for matters connected with the powers of the Central government.<sup>20</sup> Building of national highways and strategic roads remains within the purview of the federal government.

The structure of superior courts in Balochistan is the same as in other provinces. The High Court, is the apex provincial court, and an appeal can be made against its decision, to the federal Supreme Court. All criminal appeals related to offences under the Hadood laws are made to the Federal Shariat Court and not to the High Court. Lawyers from Balochistan complain that travel to Islamabad is expensive and time consuming. Litigants suffer on account of distances. Furthermore, all Constitutional matters are eventually decided by the Supreme Court, which according to a number of lawyers remains partial to the interests of Islamabad.

The standoff over provincial rights with the federal governments has, from time to time, ended in tensions and violence. The bone of contention has been the economic and political rights of the Baloch people. In recent years, the indigenous populations are also demanding rights over their resources and wealth in a more articulate manner. As always, these populations remain poor and the primitive tribal system has kept them voiceless. Their voice is only heard through the very tribal chief, who has in some ways, also been instrumental in their deprivation. But it appears that for now, they prefer the “known” sardar as their spokesman, rather than, “a distant and exploitative federal government”.

All sides to the present conflict depend on violent means, each blaming the other for having initiating the violence that led to an armed conflict. HRCF hopes that, all sides to the conflict realize that resort to violence will not resolve the intricate issues of rights. It will only make it worse. Governments, especially, are bound to keep peace. Acts of violence perpetuated by the administration can only be justified if these are resorted to as a very last option and are carried out strictly according to the established rules of proportionality.

In the case of Balochistan, there are undoubtedly unresolved political issues. An absence of dialogue has given way to brute force on all sides. Baloch nationalists see the expansion of military presence in the province as an ominous sign. They feel the urgency to claim their stake in the natural resources of the Province. On the other hand, the government is adamant about going ahead with its plans on development under the direct supervision and patronage of the military. This serious conflict of interests, at a critical moment—where the military is desperate for resources and the Baloch nationalists fear they are losing out for good—needs to be resolved by the intervention of honest brokers.

The parliamentary commission on Balochistan, which was established in September 2004 in an attempt to resolve the crisis in the province, could have played this role. However, even the recommendations it made, in an interim report submitted to the Senate in September 2005 after various meetings with Baloch tribal leaders and politicians, have gone largely unheeded. These recommendations included the withdrawal of the Frontier Constabulary and coastguard from interior Balochistan, the payment by the federal government of all arrears on gas royalties and the shifting of the head office of the Gwadar Port Authority (GPA) from Karachi to Gwadar and attention to addressing the issues of poverty and under-development in Balochistan. Criticism of the composition of the commission by opposition parties, and a distancing from the stands taken by it by some Baloch leaders, adversely affected the credibility and standing of the commission.

## Law and order

Balochistan has 26 districts. In terms of policing the province is divided into category 'A' and 'B'. The 'A' areas consist mainly of towns and cities and remains under a regular police force. There are 89 police stations and the sanctioned strength of the police is 19,145. The Balochistanis complain that the head of the police force—a provincial subject—is invariably a non-Balochistani. They also complained the Governor was from outside the province.

The 'B' area (almost 95% of Balochistan) is under the control of the Levies who maintain 286 thanas and employ 13,357 personnel. According to the statistics available, the crime rate in 'A' area is comparatively lower than in "B" area managed by the Levies. The government plans to merge the Levies force with the police force. Presently, the recruitment of Levies is not based on merit, but on the recommendation of the "local influentials".<sup>21</sup>

The conversion of the Levies into the police force has also become controversial. Many Balochistan imembers of the parliament expressed fears of rising unemployment among Balochistanison being relieved from the Levies force. The government has, however, assured them that the Levis will be trained and inducted into the police force. They further hope to provide 6,000 jobs for local inhabitants in the Balochistan Constabulary, being raised for policing purposes.

The Frontier Corps (FC) works under the Federal Interior ministry. It is a paramilitary force. It controls smuggling, law and order and drug trafficking. According to the authorities 24% of the FC is from Balochistan. In theory the provincial Home Department requests the Interior ministry of the central government to come to the aid of the provincial government. However, given the highly centralized system of governance in Pakistan, the Centre takes the decision and the Provinces simply back it.

A bone of contention and bitterness are the check posts established by the security and law enforcement agencies. The FC has set up 493 check posts. A vast number of citizens in Balochistan have complained of abuses by those running these posts. The complaints range from extortion, humiliation, threats and outright use of lethal force without any provocation.

According to the Frontier Corps Ordinance 1959, the FC is deemed to be in "active service" against external aggressor or enemy, against hostile tribes, raiders or other hostile persons, or persons co-operating

with or assisting them. In the present conflict, the FC appears to be playing the coordinating role for implementing the decisions of the central authorities.

Around 1,200 Coast Guards watch and police over 960 kilometers of coastline in Balochistan. Their role has been discussed at length in the previous report of HRCP on Balochistan. Under the Pakistan Coast Guards Act, 1973 they have powers of imprisonment and capture of deserters. At present they too have set up 87 check posts for the discharge of their duties.

In addition there is a heavy presence of the military. According to press reports, Sardar Akhtar Mengal stated that there are 35,000 FC, 12,000 Coast Guards, 1,150 Levis, 6,000 Balochistan Reserve police, 2,000 marines and four army brigades deployed in Balochistan.<sup>22</sup> Baloch nationalists also accuse the state intelligence agencies of creating private armed militias in opposition to nationalist tribal leaders. For example, Mir Hazaar Bijrani, who is an opponent of Nawab Khair Baksh Marri, has been provided with resources and weapons to raise a levy force of one thousand people, from the bajrani sub-tribe of the Marris.

The Baloch nationalists see this as a precursor to building further cantonments closer to the natural resources of the Province. They fear that their resources of natural gas and oil, mainly in the Bugti and Marri area will be used for the commercial purposes of the army. They are equally apprehensive about other mega projects undertaken for development. During the meeting of the Parliamentary Committee on Balochistan, Senator Raza Muhammad Raza cautioned that, the land acquired by the army was owned by tribes who may part with it for defence purposes, but would be unwilling to give it up for the commercial activities of the defence forces.<sup>23</sup>

A plan to build further cantonments has turned into an explosive issue. Lt. General (retd) Hamid Nawaz Khan, Secretary Defence told the Parliamentary Committee on Balochistan that presently there were Cantonments in Quetta and Sibbi which could not cover the entire province because of logistic constraints. The government has, therefore, decided to build additional cantonments in Gwader, Dera Bugti and Kohlu areas. All three locations are strategic in terms of natural resources.

### **Ethnic composition and intra-tribe rivalry**

As per official records 45% of the population in Balochistan is Baloch, 38% Pakhtoon and 17% of mixed ethnic origins.

During the war against the Soviets in Afghanistan, the government of the late General Zia-ul-Haq settled a number of Afghan refugees in Balochistan. Some Baloch nationalists lament that the delicate ethnic balance was disrupted and fear that further development will attract non-Baloch settlers thereby reducing them to a minority in their own province.

The tensions are not limited between the central authority and those aspiring for self governance of Balochistan. Some Pakhtoon and Baloch differences emerge from time to time in the province. In addition, the government has pointed toward the intra-tribal hostilities that exist in Balochistan. The DIG Frontier Corps brought these up before the Parliamentary Committee on Balochistan. He enumerated these feuds are under:

- > Bugti vs. Kalpars
- > Bugti vs. Ahmedans
- > Bugtis vs. Mazaris
- > Bugtis vs. Raisanis
- > Gazinis vs. Bejranis (clans of Marris)
- > Marris vs. Loonis
- > Hameedzais vs. Ghaibezais (clans of Achakzais)
- > Rind vs. Raisani
- > Suleman Khels vs. Lawoons.

Nevertheless political leaders and activists in Balochistan underplay these differences. They feel assured that a positive role by the central government would remove many of these feuds. According to them, the government stokes these differences and creates divisions within the tribes. They are able to give several examples, where the central government has been able to win over tribal Sardars and encourage intra tribal feuds. The government denies it.

Independent sources believe that, both the government and the tribal chiefs have no interest in advancing a modern form of governance. They are equally to blame for the persistence of some traditional practices that undermine human dignity. Indeed, the HRCP has credible information of cases of arbitrary, discriminatory, and cruel punishments, administered through decisions of jirgas. HRCP has also intervened in some cases and in others appealed to the authorities to protect the integrity of the victims. There are verified reports of honour crimes, which are carried out with impunity under the garb of tradition. In the name of tribal tradition, women's rights are mercilessly abused. Reports of private prisons maintained by tribal chiefs are confirmed by a number of activists in Balochistan, though many of these are in the form of open jails. The chiefs have - at least in the past - boasted of administering "unadulterated" justice by making an accused person walk barefoot over a heap of burning coals. According to them, the innocence of the accused can only be established after walking over burning coals.

## **Political landscape of Balochistan**

Political trends in Balochistan are mixed. The religious parties, nationalists, ethnic based parties and those led by local Sardars are all in the field. In the Pashto speaking northern belt of the province bordering Afghanistan, the Jamiat-i-Ulema-i-Islam, led by Maulana Fazal-ul-Rehman is presently the predominant force. It is also strongly represented in the Balochistan assembly, as are the Pashtoon nationalists led by Mehmood Khan Achakzai. The vast Baloch south and northeast is divided between nationalists and the pro-establishment elite. The Pakistan Muslim League-Q represents the pro-establishment politicians. There is a four party Baloch nationalist alliance consisting of the Jamhoori Watan Party led by Nawab Akbar Bugti, the Balochistan National Party led by Sardar Attaullah Mengal, the National Party led by Abdul Hai Baloch and Baloch Haq Tawar Party. The Pakistan People's Party and Awami National Party also have pockets of support in different parts of Balochistan. Tribal structures are stronger in Marri and Bugti area followed by Jalawan and Sarawan areas.<sup>24</sup> Makran division in the south, towards coastal areas, has by and large grown out of the old tribal system and new social formations have taken root in the area.

## **Tribal militancy**

Balochistan is awash with arms. All tribal chiefs carry private armed guards and some maintain private armies. All tribal chiefs, including of Bugti and Marri tribe, maintain private militias. According to unconfirmed reports the Marris have a force of around 3,000 people, while the Bugtis a few hundred less. The Frontier Corps commandant, in Dera Bugti, reportedly told the press that Nawab Akbar Bugti runs some 60 armed training camps. In another press briefing, he accused the Bugti militants of, running 62 'Furrari' camps to train Marri tribesmen. He said, more than 5000 people are being trained. Other officials informed the HRCP mission that Nawab Balaach Marri, the son of tribal chief Nawab Khair Baksh Marri, is running several 'furrari' camps.<sup>25</sup> He, reportedly, trains and indoctrinates militants. The HRCP mission team was also told by the authorities that criminals from Sindh and Punjab are being protected in these camps. The government figures of armed tribesmen maintained by the Bugtis and the Marris are disputed and the tribes deny running of the so-called furrari camps.

An army official met the HRCP mission in Ouetta. He was able to give official figures of acts of violence committed by the Bugti and Marri militants. According to him in 2003-2005, the security forces suffered 20 fatalities and 53 injuries in the Dera Bugti. There were 73 incidents of firing, nine abductions and 15 incidents of damages to gas pipelines. Similarly 86 incidents of firing rocket launchers were recorded in the Kohlu area (which is mainly inhabited by the Marri tribe). The official complained that the Bugti militants had abducted seven policemen since July 2005. He gave other harrowing incidents of abduction and imprisonment

of people including of Masoori Bugti and Ghulam Qadir.



*Open pipelines at Sui.*

There were further complaints of extortions carried out by members of the Marri tribe under the instructions of Balaach Mari. All interlocutors representing the government expressed their helplessness in the face of “no-go” areas in the Dera Bugti and Kohlu areas. At the same time, most interlocutors, including government functionaries, conceded that the malaise lies in the systems of governance and that escalation of violence would not solve it. It could lead to greater loss of lives of innocent people.

In this spirit, the former Prime Minister Chaudhry Shujaat Hussain, formed a special Parliamentary Committee unanimously approved by both Houses of the Parliament on September 23, 2004. It was a first step in the right direction. As reported earlier, the Committee’s recommendations

have so far not been followed and Islamabad appears to have hardened its position. The HRCP team sadly learnt that Islamabad, now believes that the ‘low-intensity’ approach to Baloch insurgency had failed and that a change of tactics was necessary.<sup>26</sup>

The Bugti and Marri leaders expressed their willingness to hold meaningful talks.<sup>27</sup> They agreed that issues could only be resolved politically, but they continue to blame the military-backed government, of breach of trust and for surreptitiously preparing for a full-fledged armed conflict.

As violence escalates, serious accusations are being made by all parties. New factors are being introduced to the conflict and controversy. The federal government has openly accused the Baloch nationalists of having foreign support. In turn, the Baloch nationalists have accused the military of having ulterior motives to their plans of development and of disinformation to conceal their actual designs. Press reports quote the Information Minister Sheikh Rashid Ahmed of looking into the possibility of involvement of Al-Qaeda elements in the Sui incidents.<sup>28</sup> Such accusations are absurd.

Baloch nationalists have also accused the government of using a poisonous substance to pollute the water reserve in Dera Bugti and during their operations in Kohlu. The government denies this vehemently. HRCP found no evidence of the use of poisonous gas. However, a number of people in Dera Bugti complained that the bombs used in the military operations burnt and melted objects and flesh.

The government continues to maintain that there is no army operation or action in Balochistan. The President, the Prime Minister, the Information Minister and Governor Balochistan as well as the Chief Minister of the province are reported in the press denying any army “action” or “operation”. They claim that the use of force by the government is in relation to the law and order disturbances created by a few “miscreants” and deny bombing civilian targets

### **A brief historical perspective**

There is a history of armed conflict and of military operations in Balochistan, starting in 1948. The Khan of Kalat, was compelled through an army action to accede to Pakistan, after he declared independence for the princely state of Kalat..

Tensions again led to an armed uprising after one unit was declared in West Pakistan. The federal

government dominated by Punjabi leadership amalgamated all four provinces of West Pakistan into one single unit in 1955. This political decision marginalized smaller provinces and undermined minority ethnic identities.<sup>29</sup> After a few years of conflict, the central government took control of the province. An amnesty was declared but when the Baloch leaders came down from the mountains, they were caught and hanged. This betrayal has left bitter memories and deepened the mistrust between the Central government and the Baloch nationalists.

Low-level of insurgency continued, and once again intensified in 1964-65, breaking into an armed conflict between the military and Baloch nationalists. The number of fatalities and casualties are not documented, but independent sources say that at least 2000 people including military personnel lost their lives.

In 1972, Balochistan had its first elected provincial government and many Baloch members blessed the new Constitution. Soon afterwards, the government of Zulfikar Ali Bhutto dismissed the provincial legislature of Balochistan after accusing the ruling party of being involved in transporting Soviet arms to Balochistan. The Bhutto government claimed that these arms were discovered in Islamabad and were destined for Balochistan. The leadership of National Awami Party (the ruling party in the province) was arrested. Baloch nationalists reacted strongly. The main leaders amongst these were the Marri and Mengal tribesmen led by Khair Bux Marri and Sardar Ataullah Khan Mengal. Many of them took up arms and fled to the mountains. In September of 1974, the government sent 80,000 troops to put down the insurgency. It is reported that at least 3,000 people lost their lives. There are, however, no official figures available. It is widely acknowledged that ^discriminate use of superior force including air power was used against Baloch camps and villages.

After the suppression of the revolt, the two Baloch leaders went into exile. Marri went to Afghanistan and Mengal to the United Kingdom only to return years later. During this period the name of the Balochistan Liberation Army (BLA) cropped up. They were accused of being behind the insurgency which lingered on into the 1980s. The BLA is reported to have been a pro-Moscow underground militant group, but faded away from public view after the disintegration of the Soviet Union. There are some unconfirmed reports that their initial recruits were drawn from the Baloch Student Organisation (BSO), but the present BSO denies any connection to BLA.

In recent years, the BLA has surfaced again and seems to have swelled its support. It has claimed responsibility for a number of acts of violence. Their identity is, however, unknown. Official sources allege that they operate throughout Balochistan but also admit that they have no firm knowledge of its structure and shape.

## **The new crisis**

A simmering insurgency has continued in Balochistan over the last three decades, but, since the early 1970s, there has been no open armed conflict between the government and the Baloch tribes. There were press reports of tensions followed by consultations and meetings between leaders of the ruling party and Nawab Akbar Bugti. Former prime minister Mir Zafarullah Jamali visited the Nawab in Dera Bugti. Balochistan's Chief Minister publicly acknowledged the need to consult the Nawab.<sup>30</sup> In early 2000, tensions rose but by the beginning of 2005, it boiled over. Some key incidents appear to have flared tempers leading to the present crisis. Since incidents of violence against the Baloch have been poorly reported, they are not traced here with any precision. These tensions can broadly be traced to the following incidents:

◆ On January 7<sup>th</sup>, 2000, the gunning down of a judge of the Balochistan High Court, Justice Nawaz Marri and subsequent arrest of Nawab Khair Baksh Marri on charges of having authored the crime. The judge was shot dead by unknown assailants. The Nawab was released in July 2001, after remaining in prison for 18 months. A team of HRCP members visited him in Quetta jail and confirmed that he was kept in solitary confinement. He was disoriented and extremely bitter when the HRCP representatives met him.

◆ Soon after the arrest of Nawab Marri, the BLA re-emerged. Their identity is unknown but the organization has claimed responsibility for a number of bomb blasts, acts of sabotage and rocket attacks. Their spokespersons identify themselves as Azad Baloch, Mirak Baloch or Colonel Doda Baloch.

- ◆ In June 2002, army troops were deployed in Dera Bugti, giving Nawab Akbar Bugti and his tribesmen, a dead line to surrender. A complete siege and blockade of the town was widely reported. A case was registered against Nawab Bugti and others, accusing them of providing protection to criminals and terrorists responsible for rocket attacks on gas installations in Sui.
- ◆ Arbitrary detentions and disappearances of members of the Balochistan Student Organization (BSO) were reported.
- ◆ Incidents of violence increased steadily with the pace of construction in Gwadar, expansion of cantonments and the acquiring of land for cantonments and other enterprises of the military.
- ◆ A number of reports of torture, disappearances, and abuse by security forces against citizens of Balochistan.
- ◆ The kidnapping, of Chinese technicians working in Gwadar, reported in early 2004.
- ◆ In August 2004, the Balochistan Chief Minister Jam Muhammad Yousaf's cavalcade was attacked by unidentified persons.
- ◆ More troops moved to the Bugti and Marri area.
- ◆ On January 2<sup>nd</sup>, 2005 the rape of Dr. Shazia Khalid, a lady doctor working at Pakistan Petroleum Limited was reported in the press. Nawab Akbar Bugti accused army officer, Captain Emad of the offence. The PPL and the government tried to cover up the incident. The Captain was allowed the facility of giving a lengthy statement on Pakistan Television, presenting his side of the story and the President publicly vouched for the Captain's innocence.
- ◆ On February 26<sup>th</sup>, 2005 paramilitary forces raided locations at New-Kahan, a Marri area, in Kohlu district. Local people including women and children were allegedly roughed up and a Pakistani flag hoisted on the guesthouse of the Sardar - a gesture of show that they have been conquered.
- ◆ On 3<sup>rd</sup> March 2005 police raided a Marri camp in Quetta where HRCP received confirmed reports of arrest and harassment of innocent people including women. Families were living in this camp at the time.
- ◆ On March 17<sup>th</sup> 2005, tensions were high when patrols of FC and armed Bugti tribesmen came face to face, leading to harsh words between them. An exchange of fire, with rocket launchers followed. According to credible reports eight paramilitary personnel died while 62 people including 33 Hindus were killed by the attacks made by the security forces.
- ◆ In March, police arrested members of the Baloch Student Organisation in Karachi after a peaceful demonstration against army action in Dera Bugti.
- ◆ On December 12<sup>th</sup> and 13<sup>th</sup> 2005, the security forces started an aggressive search operation, taking away 25 people. HRCP could not follow this case.
- ◆ On December 14<sup>th</sup>, 2005 eight rockets were fired at a paramilitary base on the outskirts of Kohlu city as President Pervez Musharraf visited it.
- ◆ Rockets were fired at a helicopter carrying Inspector General of the Frontier Corps, Major General Shujjat Zamir Dar and DIQ Brigadier Salim Nawaz on December 15<sup>th</sup> in Kohlu, injuring both passengers.
- ◆ On December 17<sup>th</sup>, 2005 parts of Kohlu area were bombarded and heavy artillery used by security forces, killing civilians, including women and children.
- ◆ Since then there have been regular reports of heavy use of force by the security forces and retaliatory firing and use of rocket launchers by Baloch militants.

# **Testimony of Dr. Imdad Baloch**

*[This is the detailed account of torture provided by Dr Imdad Baloch to HRCF]*

## **The night between March 24<sup>th</sup> and 25<sup>th</sup> 2005**

I was present at Flat No. 51, Block-H, Noman Avenue, Gulistan-e-Johar, Karachi, accompanied by Dr. Yousuf Baloch, Dr. Allah Nazar Baloch, Dr. Naseem Bafoch, Ghulam Rasool Baloch, Akhtar Nadeem Baloch, and Ali Nawaz Gawar Baloch and we were all asleep.

### **25<sup>th</sup> March, 2005 (approximately 3:00 am)**

I woke up feeling the pressure of a heavy boot on my neck and another on my waist. I tried to move, but was ordered to remain still or else I would get shot. I was helpless and tried to comprehend the situation at hand. I was curious about the identity of the people who had barged into the house and prayed for our safety. I was perplexed and confused. What did these people want from us?

I started to pray for an honored death. The only thing I had on my mind was a Balochi saying, “marg! warnani a bia, tara doh rand hambazan” (Death, come at a younger age... I will embrace you twice).

I tried to concentrate and question the reason behind this incident.

We felt helpless and were not in a position to resist, yet they continued to physically and verbally abuse us in a most inhuman and humiliating manner.

I heard them say: “kick these bastards on their asses.” At least three men were shouting and many more were kicking us as instructed. In fact, we were being kicked and slapped on every part of our body.

“Where are you keeping the arms and ammunition? How many mobile phones do you people have?” I heard the men repeat.

A man burst out at me with a flood of questions, pushed me to the floor, and suppressed me in a suffocating manner till I could hardly breathe anymore.

I tried to convince myself that this was not happening and was unreal... perhaps a nightmare. My mind froze and I felt defeated, constantly praying for an honorable death at the least.

Someone pulled my hands behind me and handcuffed them. They then covered my eyes with a black

piece of cloth and thereafter put a black linen bag over my head and tied it tightly around my neck with the help of two strings. It lead me to believe that the hood was especially designed for this purpose.

Two men pulled me by my arms and forced me to stand on my feet. They then guided me through steps, corridors, and some other places. The moment they covered my face, I understood that I was not being arrested, but in fact illegally kidnapped. The only feeling I had was of helplessness; but I felt satisfied somehow, as I knew I had lived long, lived for a just cause, and would die with a purpose. I told myself that it was time to face the bitter truth of being oppressed and a slave.

On the way from our residential flat to the secret cells, we were abused beaten and humiliated. At one point, I remember being thrown into the back of a vehicle, possibly a pick-up truck. The journey must have taken around five to ten minutes, before the vehicle stopped. Once again I was guided through what seemed to be corridors by two men - one grabbing my right arm and the other my left. When my eyes were uncovered, I found myself in a small room; four or five feet in width, and six to seven feet in length.

### **The very same incident in the eyes of Dr. Naseem Baloch**

“I woke up hearing someone knocking on our door. I thought it might be the boy who brought water for us every morning. I looked at my watch and it was 3:00 am, so I thought that it was too early for it to be the boy. I woke up and opened the door. At least thirty men rushed into the flat with their guns facing me. They ordered me to stay still, or else they will kill me. I enquired what the matter was, but they grabbed everyone in seconds, including me. They were wearing Police and Rangers uniforms, and three men were dressed in civilian clothing. I was handcuffed, my eyes and face were covered, and was then taken to the secret cells along with everyone else.” Dr. Naseem Baloch told me when we were together in Sakhi Sarwar police station.

### **I am blind, not deaf**

My eyes are covered most of the times, but can hear them talking to each other or with other prisoners. That is how I could guess most of the things, like, where they are taking us, what sort of vehicle or plane it is, who is sick, who is being released, and who is accompanying me in this vehicle or plane.

### **Fajar Azaan: 25<sup>th</sup> March, 2005**

After being brought down from the vehicles, we were seated on the ground and awaited further orders. They asked us our names thrice, with ten minute intervals in between. I heard Dr. Yousuf telling his name, then Dr. Allah Nazar, followed by the rest of the six boys who were arrested along with me. I heard the rest of the six boys telling their names. I then told them my name, after a few minutes of which I was pulled up and told to walk.

“Take care, there are 2 steps!” I was told. Then I was told to sit on the ground. They removed the covers from my face along with the strip of the cloth which was covering my eyes. The handcuffs were removed from the back, and I was handcuffed with my hands in front of my belly instead. They then tied me up with some fetters.

### **This cell**

After they had put the fetters on and handcuffed me, they left me alone in a small room. It was a small room, probably four to five feet in width, and six to seven feet in length, and had a metal door.

I heard four or five people reciting the Holy Quran. Due to the proximity of the voices, I assumed that

it was the prisoners in the nearby cells. I could also see the feet of the people who passed by my door; that was how I knew when and how Allah Nazar was taken out of his cell for interrogation.

I spent my time staring at the walls, and sometimes I would see the people's feet who passed by my cell, through the bottom of my door. Other times I tried to take a peak through a crack or opening in my cell (which I was prohibited from doing), and would see a fan outside.

I was overcome by mixed and unexplainable emotions and tried to paint a picture in my mind of what I might go through in the forthcoming days.

## **The tea**

The moment I began thinking about what other peoples' reactions would be once they heard about our kidnapping, I heard some one shout "morning tea!" and bang on cell doors.

"Will you take tea?" I heard someone ask.

"Sure" A thick voice replied.

Another door was hit, the same question asked, and the same reply was given.

Two more doors were hit and tea was served

I then heard another voice, which seemed to come from further away. Someone was asking if we wanted to eat "daal" (a dish made from lentils).

The man who was giving us tea seemed to be quite near now, "Why not?" he was replied. I could make out that it was the cell next to mine, and that next

I will be served with tea. My door was hit forcefully, and the man shouted: "Tea?"

I said, "No!" He did not care to ask why and went away. This gave me an understanding of how meals and tea will be served to us in the future.

"Tea?"

"Yes." It was the cell on my left. Until this point, I could not hear the voices of any of my friends.

"Tea?" the same question was asked.

"No!" came the reply.

It was Allah Nazar's voice. It meant that he was near me, and I would be able to listen to his voice at least 3 times a day, while he will be asked for a meal or tea. It brought a smile on my face.

In the following 33 days, the same routine was carried out.

## **The Interrogation on first day**

The day passed by sitting in the cell and waiting. We were served with a meal, I could not say at what time. I heard some people reciting the Holy Quran from the nearby cells. After lunch, two men came, hit my door heavily, then ordered me to stand up and turn around. I did as I was told. They covered my eyes and face. I was already handcuffed, but fetters were put on. They held my arms and guided me to wherever I was to go.

"There is a chair behind you, sit on it," I stepped back a few paces, found the chair, and sat down. They then removed the covers from my face and eyes.

I found a table in front of me, and a clean-shaven officer standing behind it. On the right of the table

was another officer, who had moustaches, and the third officer sat on the left; he was also clean-shaven. I saw most of our belongings and mobile phones spread on the table. I was then asked to point out my mobile phone and other belongings.

I was asked a few questions as well.

“What is your name? Where are you from? What are you doing here in Karachi?” This particular day, I was only queried for general information.

This was the first and last time that I was interrogated with my face uncovered, could see the faces of the interrogating officers what the room looked like. It was also the last time they would speak to me in a civilized manner.

After being asked a few general questions, my eyes and face were once again covered, and I was taken back to my cell.

### **These 33 Days**

I stayed at this place for a period of 33 days. I was interrogated for three to four hours daily, for the first week. Sometimes they interrogated me in the morning, at other times in the evening. After the first week passed by, I was given a prisoner’s uniform, after which they used to take me for interrogation every third or fourth day.

### **How did I count the days?**

We were arrested on Friday. The next day, in the evening, we were served rice with our meal. Every Saturday, the man who served us our meals, would shout:

“Today it is Saturday, you people will get rice too!”

By hearing this, I could count the days. After every week, I used to draw a line on the wall with my handcuffs, in order to count the weeks. This is how I counted days and weeks.

### **The Uniform**

After the first week I was handed two pieces of clothing, was told to wear them and hand over my clothes. It was a white shirt and a white trouser, specially made for prisoners, as the word ‘prisoner’ was written on the back of the shirt.

### **The meals**

We were served tea everyday, early in the morning, along with two other meals. The meals were served according to a routine, as on specific days of the week we got a specific meal, just like in army messes. Mostly it was “daal” for the daytime meal, and a vegetable dish in the evening. Meat was served twice a week, and on Saturday evenings we were served rice, after which I drew a line on the wall to mark the completion of a week.

### **Toilet**

I had to urinate in a bottle and empty it once a day, when I went for defecation. Defecation was a torture itself, as a man would stand nearby and shout:

“Hurry up, you only have 40 seconds.” Then he would shout, “hurry up, your time is almost finished,”

and finally he would come and say “come out, your time is finished.”

Often, one had to come out without washing up.

## Search

Every midnight we were woken up for a search by a higher authority. They would ask us about our health and how we felt, however, it had nothing to do with their behavior towards us. The officer in charge of this procedure, who was accompanied by at least three or four men, used to chat with every prisoner for four or five minutes. During this, we were told to face the wall and were not allowed to look at him. We were also told that if in case we caught a glimpse of him, it would become impossible for us to leave the prison alive.

When this officer would talk to other prisoners, I would try to come as close to the door as possible, so that I could hear their conversations. By doing so, I could tell what was happening with Allah Nazar, and how he was feeling. Also, it gave me a chance to know something about the other prisoners.

This helped me realize that Allah Nazar was being subjected to a more severe form of torture than myself. I also found out that he was sick, as he would ask for medicine, but was constantly refused. During this search, I also came to know that the other prisoners were Islamic militants.

Once I heard one of the prisoners saying:

“Sir! It is my fifth month here, and I have been interrogated for weeks. Why am I not being released?”

He was answered:

“We have faxed your case to Islamabad, and we will decide what to do with you as soon as we get a reply from there.”

Another prisoner had been there for more than 9 months.

## Questions asked during interrogation

I was asked hundreds of questions, concerning my personal life, political activities, abilities, and interests. The other questions were about history and the role of BSO in Balochistan politics. Other questions, for which I was brutally tortured, were about militants in Balochistan. Following are some examples:

1. What is your affiliation with BLA (Baloch Liberation Army)?
2. What is the relation between BLA and BSO?
3. How many times did you visit Dera Bugti?
4. Have you ever been to Kohlu?
5. Did you ever meet Nawab Khair Bakhsh Marri or Nawab Akbar Khan Bugti?
6. Who finances your organization? Where does this money come from?
7. Where do you people trained?
8. Who is leading the BLA and BLF?
9. What is the organizational structure of BLA and BLF? How does this organization function?
10. How many times did you visit Afghanistan, Iran, or India?
11. Who are the people carrying out bomb blasts in different parts of Balochistan?
12. Where are guerilla camps located?

13. Who is Colonel Doda? Who calls up the newspapers and accepts responsibility of bomb blasts on behalf of BLA and BLF?
14. Which is the militant group of Ghulam Mohammad (President of BNM)?
15. What do Ghulam Mohammad and other BNM leaders want?

One day they beat me up for hours and insisted that I should prove my innocence to them and that I had no affiliation with BLA (Baloch Liberation Army).

Another day, I was tortured and asked that I should tell them who Colonel Doda was. They tortured me for at least three hours that day, and insisted that at any cost I should give them a clue to who calls up the press and accepts responsibility for bomb blasts in different parts of Balochistan.

Mainly, I was asked to name the people responsible for bomb blasts, and other guerilla attacks, in different places of Balochistan.

## The torture

I was tortured physically as well as mentally. The details are as follows:

### Physical Torture

I classify the physical torture into three categories:

**1. Mild Continuous Torture:** They kept me standing for hours during interrogation. Sometimes they held sticks, at other times they held flat pieces of rubber or leather in their hands. After every question, I was hit once. With every sentence they used to hit me with any of the above mentioned objects. I could not see exactly see which object it was, as I was blindfolded at the time.

**2. Severe Occasional Torture:** After they failed to get the expected answer, I was ordered to lie down on the floor. Then they continuously hit me with that leather type thing for four or five minutes. It was so painful that I could not move for a couple of minutes, after their beating session had ended. Again, they ordered me to get up and started asking questions. After a few minutes, I was again told to lie down and the same procedure was repeated. On one occasion, I had to lie on the ground and one man climbed on to my already handcuffed hands, the other put a stick in the fetters, and raised my feet six to eight inches from the ground, while the third beat me up brutally. They used to hit me everywhere, but often they would hit me on my left kidney. I was beaten so brutally, that after every interrogation session my clothes were red with blood on the back, especially around the area of the thighs.

**3. Lame feet torture:** The third kind of torture was by raising my feet a few inches from the ground and hitting the sole of my feet with a stick. This made me lame for at least two days after every interrogation.

### Mental Torture

I was severely mentally tortured. Being at such a place was torture itself, but other than this, they used many other forms of mental torture; some examples of which are given below:

**1. Uncertainty:** I did not know what was going to happen to me, and with my other friends. I did not know for how many days we would be kept there, or when and if we would be released from this prison alive. This uncertainty, and many other things was itself torture.

**2. Solitary confinement:** I hardly saw a human face the whole time I was there. The loneliness was by

far the worst torture for me, mentally. I would occasionally see the face of the soldiers who served us our meals, or took us to the toilet.

3. *Unawareness of the outside world:* During these exceptionally long days, I was completely unaware of the outside world. I wanted to know whether my mother is still alive, as she is a patient of hypertension. I also wanted to know what these barbarians had done with my people, but I did not know whether the sun still shone outside our cells. We could not see the sky or feel the warmth of the sun.

4. *Humiliation:* I was abused, humiliated, and was helpless. I could not even express my anger, as I had to maintain a level of silence. All I could do was wait.

5. *Threatening:* They threatened me all the time, and told me that they would kill me. They told me that no one would ever know, since nobody is aware of their existence or their whereabouts. They told me that no one will ever be able to find my dead body as they will throw it in a barren place where I would become a prey for beasts. They also said that they would completely destroy my face after killing me, so that no one is able to recognize my dead body.

I was warned that if I failed to cooperate, and refused to accept responsibility for the bomb blasts, I would be killed in a false police encounter.

In addition to this, they asserted that if I did not comply with their demands, they would charge me with such a serious case, that I will be sentenced to be hung to death. They also said that they would have no problems in bringing in false witnesses to the court.

The other threats they gave me were of killing or torturing my family members. They used to tell me that they will torture me so much that I will be paralyzed physically or mentally, and I will not be able to recognize my own family members if I was ever released.

Lastly, they assured me that they would defame me in such a derogatory manner, that no one will care to enquire about my death.

6. *Proving Innocence:* I was told to prove my innocence to them, and to prove that they have done an inhuman act by kidnapping me. I had to prove to them that I had no affiliation with BLA, and was not involved in any bomb blasts. They insisted that I prove that BSO has no relation with BLA. Every time I was taken to the interrogation room, the first sentence I heard was: "What is your name?"

The second was "make us believe that you are not involved with BLA."

This so-called country has its own interesting set of rules. These intelligence agencies can kidnap anyone, and the victims are subjected to severe mental and physical torture while having to prove that the charges levied against them are false.

7. *Noise:* They used to hit the doors intentionally with force, so that one wakes up in a state of fright. Then they would keep shouting in the corridors, which I count as a mental torture.

8. *Helplessness:* There was a sense of helplessness at all times, which was mentally depressing. One has to follow every order they give. If they tell you to stand up, than one has to stand, if they tell you to sit down, you have to sit.

9. *Handcuffs and Fetters:* I was handcuffed, and fetters were left on at all times. Only during meals and going to the toilet were one's hands set free.

## **Torture on the 21st day**

On the 21<sup>a</sup> day, I was really badly tortured, after which I was not able to move, let alone lift one of my fingers. I kept lying in the cell for a week, without going to the toilet or eating anything.

Note: This is only the first of a three-part story. It contains the details about the circumstances and details related to the torture cell in Karachi only. The second part of it explains the shift of all seven detainees to Quetta, as well as the location and environment of the torture cell in Quetta. The third part relates to the release of four out of seven Baloch activists from Dera Ghazi Khan.

# **Appendix 'C'**

## **Human rights in Balochistan and Balochistan's rights**

*Report of a fact-finding mission: October 2003*

### **Introduction**

The Human Rights Commission of Pakistan (HRCP) has been taking various measures to apprise itself of the state of human rights in the province of Balochistan. The provincial chapter at Quetta keeps a watch on developments, positive as well as negative, that have any bearing on the basic rights of the people. It organises, among other activities, fact-finding missions as and when warranted by circumstances. Investigations into human rights violations of local nature are regularly carried out by district core groups and activists. Their reports are published in the monthly *Jehd-i-Haq*, of which a combined Balochi-Pushtu edition is also published. In 2001 when large parts of the province were hit by drought the HRCP chairperson Afrasiab Khattak himself led an inquiry mission. Every two years or so the HRCP Council, the organisation's executive body, meets in Quetta to enable its members to gain first-hand knowledge of the ground reality and interact with the leaders of public opinion and the provincial civil society. However, the need for continuous overseeing of the human rights situation in Balochistan, as in other parts of the country, can hardly be gainsaid.

In October 2003 the commission decided to organise a high-powered fact-finding mission to undertake a broad survey of the human rights situation over a sizeable area of the province. The mission was led by the HRCP Secretary-General, Ms Hina Jilani, who is also the UN Secretary-General's Special Representative on Human Rights Defenders, and included 13 other members of the Council. The mission was divided into five teams that visited Gwadar, Turbat (and Tump), Khuzdar, Loralai and Quetta. (See Annexure I) The members of the teams met a large number of people in the administration, as well as representatives of political parties, lawyers, journalists, and social activists, to elicit their views on a broad range of issues of concern to them. A preliminary mission statement containing a summary of its findings was released to the media on October 26, 2003. (See Annexure II) A more detailed report of the mission's findings and recommendations is given in the following pages.

HRCP is conscious of the fact that its mission may not have been able to cover each and every issue of concern to the people of Balochistan and that some of the matters it tried to address demand further study and analysis. However, it has decided to release this report because it does touch upon quite a few issues that have been agitating the minds of the conscious sections of Balochistan society. These issues call for urgent remedial action by the state and the civil society both if they are not to be allowed to develop into serious and dangerous causes of discontent.

A large number of people responded to the call of the mission at short notice and freely gave of their time. HRCP thanks them for their kind and generous support and acknowledges their contribution to the furtherance of the cause of human rights. The whole of Balochistan, as usual, was a wonderful host and HRCP hopes to be able to savour more of its hospitality and its candid discourse.

# Report summary and recommendations

1. Public discourse in Balochistan is largely dominated by memories of injustices the people believe they have suffered throughout their history as a unit of the Pakistan federation. The collective mindset has strong elements of self-righteousness, anger, frustration and cynicism. Outsiders have difficulty in establishing their credentials as bonafide democrats or human rights activists. Even the slightest instance of discrimination or deprivation, real or imagined, revives the Balochistan peoples' memories of the circumstances in which their princely states were absorbed into Pakistan, the merger of the states and what was called the British Balochistan, the formation of the One Unit, the betrayal of the Sardars by the Ayub regime, the non-implementation of the 1973 Constitution, the military offensive of the seventies, et al. Their feeling of alienation has been accentuated by some recent developments, such as exclusion of the provincial authority from the local government scheme and the mega projects and non-acceptance of their demands for control over their resources and for a due share in the state's divisible income.

The measures required to end the Balochistan people's alienation lie in the political field, but human rights activists cannot ignore the factors contributing to the present situation. The people's right to democratic governance and participation in it and their right to control over their resources are basic human rights. Besides, lack of respect for these rights adversely affects the people's realisation of other human rights, particularly the right to the rule of law, the right to development and the right to enjoy key social, economic and cultural rights.

*It is therefore necessary to attempt a breakthrough in meeting Balochistan's aspirations for provincial autonomy. Its people must be enabled to realise that they are indeed an equal amongst the federating units of the country. This must be a high priority agenda for both the state and the civil society.*

1. a) Balochistan's grievances about denial of control over its natural resources and lack of benefit from their exploitation have not yet been fairly addressed.

*Balochistan's grievance is that the royalty on gas determined in 1973 was assessed on the basis of tentative income in 1953. Different provinces are paid for gas at different rates. The rate allowed to Balochistan is Rs. 36.65 per million BTU, while Punjab is allowed Rs 80-190 per million BTU and Sindh 2.4 US dollars per million BTU. Royalty to the province is allowed at the rate of 12.5 per cent. The federal government also charges gas development surcharge and central excise duty from consumers, which is collected by the Federal Government and placed in the divisible fund. Balochistan therefore demands that the royalty formula should be rationalised and that all provinces should be paid for their gas at a uniform rate. Another complaint is that the Federal Government progressively increases the central excise duty on the consumer bills but this money instead of being paid to the provinces is collected by the Federal Government and is put into the divisible pool. This deprives Balochistan and other provinces of their rightful share of royalty. Therefore Balochistan demands that the practice of levying surcharges on different pretexts may be discontinued.*

1. b) The policy of keeping democratic elements on a tight leash and refusal to concede the essentials of provincial autonomy has tended to strengthen the tribal system. The Sardars continue to influence the justice system and the working of the police.

*The Sardari system will not disappear unless the grievances related to provincial rights are removed. So long as this does not happen the people will continue to bear the load of archaic social structures despite their manifest unhappiness with them.*

2. Balochistan suffers from lack of a uniform and effective system of justice. The multiplicity of judicial systems devalues the quality of justice, adds to difficulties in securing redress and aggravates problems of access.

*Although Balochistan is under a uniform civil and criminal code justice is dispensed by various categories of judicial officers. Qazis in some districts exercise jurisdiction under Dastoor Amal Diwani Kalat while in other*

*districts the Qazis exercise the same type of jurisdiction under Balochistan Civil Disputes (Enforcement of Sharia) Regulation 1976. The Qazis in spite of years of experience have not developed a sense of dispensation of justice. Their judgments lack reasonableness and judiciousness. Therefore it was generally demanded that adequately qualified judicial officers may be appointed instead of the Qazis.*

*Without this the citizens will not be able to enjoy their basic right to equal protection of and equality before law.*

2 (a) Complaints of harassment by Coastguards, special police (such as Frontier Constabulary and levies) are legion and there is considerable anxiety that the new police system will strengthen local despotism.

*The entire law and order machinery in Balochistan needs to be revamped and the notion that a tribal society does not deserve the due process must be expeditiously buried. The role of Coastguards, Frontier Corps and Civil Armed Forces should be redefined and the capacity of the supervisory echelon to ensure discipline and probity enhanced. The same applies to the levies, even if this institution cannot be dispensed with. In the elite-dominated society of Balochistan, the new police law will demand greater attention than elsewhere in the country to safeguard against abuse of authority by police officials either on their own or in collusion with local government leaders and or criminals.*

2 (b) The condition of jails, police lock-ups and judicial lock-ups is quite bad. The worst sufferers are juveniles and illegal immigrants (who enter Balochistan in sizeable numbers).

*Steps need to be taken to end overcrowding in jails. The under-trials should be guaranteed easier and effective access to speedy trials and grant of bail where judicial lock-ups are at far off distances from the place of trial. The health facilities in jails require improvement. A special mechanism should be evolved to ensure quick disposal of alien detainees' cases and their repatriation to home countries.*

3. The increase in military presence in the province is viewed with suspicion by a preponderant majority, to a greater extent than elsewhere in the country, as a deliberate effort to undercut the people's right to participate in governance. There is widespread resentment against proposals to establish a string of new cantonments in the province. These plans are generally viewed as an attempt to 'subjugate' the people by muzzling their voices.

*The dangers of militarization of the people cannot be exaggerated.. Even a minimum degree of respect for the history of Balochistan demands that any extension of defence establishments in the province should be subject to double scrutiny and it should be undertaken only after convincing the people of its justification. The need to reduce the military's presence in jobs traditionally and rightly reserved for civilians is even greater in Balochistan than in other provinces.*

3 (a) The subservience of the administration and even the legal system to intelligence agencies causes a great deal of hurt to the people. The worst affected are obviously the under-privileged.

*The expanded role of intelligence agencies and lack of clarity in laws from which these services draw their legal authority has caused widespread discontent. The functions of intelligence agencies and their interference in civil administration needs to be stopped. Many of their activities have no place in a democratic and rights-based legal dispensation.*

4. The women of Balochistan constitute by and large a disadvantaged lot. Segregation, restraints on mobility, denial of freedom to choose their spouses or education courses and vocations contribute to a climate of oppression that appears more visible than elsewhere in the country. At the same time one notices significant signs of awakening and new-found confidence among them.

*It is necessary to accelerate the process of social development in Balochistan by increasing opportunities for meaningful education. Where new institutions are set up due attention must be paid to the requirements of teachers and essential teaching aids.*

5. Balochistan can legitimately take pride in its tradition of religious tolerance and fair treatment of the minorities. However, there are signs of weakening of this tradition at several places, as evident in cases of abduction / conversion of women belonging to minorities, invocation of the blasphemy law, exclusivist tendencies in the management of graveyards, and denial of jobs.

*All instances of discrimination should be promptly addressed. The law and order authorities must be under strict orders to protect the life and liberty of minority citizens and special efforts must be made to protect their rights to education, health and employment.*

6. Unemployment is already a serious problem in Balochistan and the situation will get worse as more educated young men and women seek entry into the labour market. Even those who do get jobs are more than normally vulnerable to exploitation.

*There is urgent need to enlarge employment opportunities in Balochistan and stricter regulation of wage standards and due enforcement of labour laws including those that guarantee normal trade union activity.*

7. The education and health services are inadequate and poorly maintained. Schools and hospitals are poorly staffed and badly equipped. They need to be upgraded by providing more qualified staff and the necessary equipment.

*The education and health departments must draw up a time-bound programme to remove the deficiencies in educational and health institutions.*

8. Frequent complaints are heard that relief operations undertaken in the wake of natural calamities are inadequate or relief promised is not delivered.

*Nothing alienates a people more than indifference to their plight caused by flood or drought or famine. Relief packages must be delivered promptly and in adequate measure.*

9. The mega-projects (such as the Gwadar Port Project) present a host of problems. The people have legitimate grievances regarding irregularities in land records, difficulties in getting ownership titles recognised and corrected, inadequate arrangements for people threatened with displacement, disregard for communities' traditional vocations and non-recruitment of local workers, and a fear of dis-enfranchisement as a result of influx of skilled labour from outside Balochistan.

*There is an urgent need to remove the Balochistan people's grievance against exclusion from the planning and execution of mega-projects. The land ownership issues should be expeditiously resolved. Nobody should be deprived of home or vocational opportunities without adequate, fair and satisfactory (to the affectee) compensation and rehabilitation. It may be a good idea to attach a high-placed official to each mega-project who should deal with local community's concerns related to justice, human rights and environment.*

# Human Rights in Balochistan

## Right of participation and control over resources

The HRCP teams noticed discontent almost everywhere in Balochistan because of the widely shared perception of the people's exclusion from public affairs. They felt deprived and ignored. The political activists only articulated, often in bitter terms, the feelings of nearly all sections of the civil society.

Strident criticism was heard of the mega-projects in the Mekran division – such as the Gwadar Deep Sea Port, the Mirani Dam, the Coastal Highway and establishment of cantonments. The main grounds were: exclusion from planning, implementation and benefits; denial of due opportunities of employment; apprehensions about the motives of the federal government and the military leadership; land-grabbing and fear of change in Mekran's political status; and fear of ethnic imbalance in Gwadar and of the Baloch being turned into a minority in the region.

While talking to the HRCP teams the local representatives rejected all arguments in support of employment of outsiders on the ground of lack of skills and technical know-how among the locals. According to them it was wrong to entrust port management almost completely to the Navy who were not technically qualified or trained for handling all port functions. They argued that before big projects were launched, human resource development plans should have been carried out and skills and expertise developed at the local level. They complained that the Baloch and other local people were not hired in any significant number even as unskilled labour.

The most important conclusion the HRCP mission reached is that the public mind has been greatly strained by what it considers a prolonged denial of its due share in national affairs. The people are sore about the disintegration of its broad nationalist forums and the failure to deliver of those who sought share in power with the federal authorities. The people have been left to wallow in a mix of harsh realities on the ground and strong perceptions of their grievances. It does not seem completely true that popular perceptions about major projects are decisively influenced by the agenda or rhetoric of nationalist political parties / groups. The people observe and specifically refer to policies and measures that indicate a deliberate policy of concealment, withholding of information and the exclusion of local political forces and even administration from planning, decisions, and management of projects in Balochistan. Reports of plans to set up a string of cantonments in the province generate fears of further erosion of provincial autonomy. Lack of transparency fuels public apprehensions of pandering to foreign economic and political interests at the cost of Balochistan people's interests, and marginalisation of the local communities.

The nationalist sentiment among the population did not appear to have been diluted by the oppressive tribal / sardari system. The tendency to treat social and political issues in separate contexts in terms of people's relationship with sardars was quite marked – that is, the oppression of the sardars did hurt the people but they supported the sardars in political matters. At the same time the popular stance on political issues was determined by deprivation felt by ordinary citizens. Acute resentment against central government and the military edicts led to resistance to any moves that smacked of greater central control.

## Rule of law, access to justice

i) In Turbat and Tump, the people generally displayed a sense of insecurity. A lack of confidence in law enforcement agencies and in the judicial system was widely shared.

At Turbat and Tump the people expressed dissatisfaction with the judicial system, comprising the Dastur-ul-Amal Diwani and the Qazi courts for all civil matters. Dissatisfaction with the treatment of land settlement cases, where irregularities and corrupt practices of the settlement staff was widespread, was a general complaint. Confidence in the Qazis' competence was found at a low level. They were said to be lacking in professional qualifications and training. As a result their decisions were said to be flawed. The bar claimed to have repeatedly demanded the repeal of the existing system and application of the Civil Procedure Code through normal civil courts. The establishment of family courts was especially urged. An instance of judicial anomaly was presented in Turbat when it was said that a man could be jailed for stealing a hen, while perpetrators of serious crimes enjoyed immunity.

*At Khuzdar HRCP was told that there were instances when women were not allowed entry into Qazi courts. It was also alleged that juvenile courts had been notified but the law was not being implemented.*

Complaints of courts being inadequate were common. The sole sessions judge at Turbat dealt with cases from several districts. The absence of a sessions court at Gwadar was a major issue with the population of that district as they had to travel about 200 kilometers to reach the sessions court at Turbat.

The Chief Justice of the Balochistan High Court, who kindly found time to receive an HRCP team, expressed satisfaction over expeditious disposal of criminal cases in Balochistan. He described in detail the new system of monitoring of court work in the districts. In Turbat, delay in trial of criminal cases was not noticed as a matter of as much concern as elsewhere in the country. The trial period was said to be two to six months. However, access to justice was considered expensive.

At Khuzdar the Rasheed Azam (a journalist) case was raised by a number of people. The causes of grievance, besides his arrest on a vague report, were delay in the submission of challan (after two months), inexplicable delay in decision on his bail plea, and violation of the principle of open trial (Rasheed Azam's father was allegedly denied entry into the court).

While some people in Turbat were of the view that financial corruption in the judiciary was somewhat on a lower scale than in other parts of the province, a majority did not agree.

At Khuzdar it was argued that the erosion of the judiciary's independence had adversely affected the electoral process.

Interviews with prisoners in Turbat revealed that legal representation was generally not available to the accused. In a number of cases convictions were based on confessions, in the absence of legal defence, sometimes even in cases of murder. The sessions judges did acknowledge the lack of legal defence but conducted and concluded trials in the absence of legal representation as lawyers could be engaged at state expense only in murder cases. In rare cases, lawyers had extended legal aid at individual level. No legal aid system had been established by the bar.

## **Lawyers**

The lawyers who met the HRCP teams generally called for genuinely democratic governance and provincial autonomy. The Khuzdar bar association representatives maintained that constitutional disorder was a major cause of human rights violations. They also criticised arbitrary changes in the constitution and concessions to extra-parliamentary authorities.

The small lawyers community at Loralai (eight members of the bar association) appeared to be a happy lot. The disposal of cases was quite fast. The pendency level at the district courts (a District and Sessions Judge, Civil Judges, magistrate and Qazi courts) was low as a number of cases were settled by jirgas or other community forums. The lawyers complained that posts in the administration, especially the police, were dominated by people from outside the province. They were quite critical of the extraordinary powers wielded by the tribal elite that monopolised jobs in the education and health sectors and the people suffered.

## **District administration**

A strong feeling of resentment against proposals to establish new military cantonments was noticed at all places visited by the HRCP teams. For instance the army presence in Khuzdar district was quite visible. An army brigade was stationed at a large cantonment. The brigade commander firmly denied any interference in administration since the installation of a civilian government. His instructions were to withdraw from administrative matters and the army monitoring cells had been discontinued. However, he said the members of the public continued to approach the army for redress of their grievances and even for the provision of civic amenities. Only a few people believed that in practice the district administration had become free of the military's influence.

Military control over decisions was manifest. The Corps Commander of Balochistan on a visit to Turbat was quite active. He held regular meetings with the members of the district administration and heard public problems / complaints to provide redress.

The Tehsil Nazim in Loralai complained of lack of clarity in the local bodies system and also of undue interference by the provincial authorities. The population in mofussil areas (less than half of the district population) had problems in accessing both administration and courts because of long distances involved.

## **Jails**

The HRCP team visited the district jail in Turbat. It had 126 prisoners (capacity 90) – 71 convicts (all men),

including seven in death cells, and 55 under-trials. A part of the jail had been earmarked for women but it had neither a prisoner nor a warden. There had been occasions when a single female prisoner was housed in the jail, guarded by men. There was one juvenile convict (drug charge). There was no problem of transporting the under-trials to courts. The condemned prisoners were under 24-hour restraints. Medical facilities were poor. Several prisoners contested the officials' statement that each prisoner was medically examined at the time of admission. There was no woman doctor at the jail. In case a female detainee needed medical attention, she would be sent to the DHQ Hospital. The jail staff said they had no special instructions regarding juvenile detainees.

At Khuzdar, it was said that the Giddani jail was notorious for violence against women detainees. At the time of HRCF visit the murder of a woman in this jail was being hotly discussed in public. Investigations were in progress. There were no women's or children's wards at the district jail.

The jail in Loralai had more detainees (95) than its capacity (75). The convicts numbered 49 and the rest (46) were under trial. The detainees included seven juveniles and one woman (facing trial under an Hudood Ordinance). The juveniles were not receiving the benefits of the Juvenile Justice System Ordinance. The jail had no doctor. Once a week the jail was visited by a doctor from the district hospital. Some of the under-trials complained of delays in appeal stages. The convicts said they did not have facilities for pursuing studies.

At the Mach Central Jail the HRCF team found 991 prisoners as against the capacity for 600 prisoners. All of the prisoners were convicts – 135 on the death row, 28 foreigners, and 818 serving different periods of sentence. Most of the under-18 convicts had been tried on drug-related charges.

Numerous complaints of illegal detention by the police, illegal confinement before securing remand, and torture in custody were heard in Turbat and Tump.

Complaints against the coastguards were a legion. Everywhere they were accused of harassing travellers at pickets set up ostensibly to check drug trafficking and smuggling in other goods. These complaints related to coastguards' high-handedness, lack of respect for human dignity, and extortion (especially from those engaged in smuggling daily utility items/consumer goods to and from Iran). Access to senior officials was difficult.

The people generally complained of a rise in crime. They also complained of lack of protection against criminal elements and the oppression of the tribal elite. The police officials disagreed. For instance, the Turbat DPO claimed the people's sense of security would increase following the recent police success in busting criminal gangs. He admitted the tribal elite wielded considerable influence but its members were called to account if they indulged in high-handedness. According to him the police in Balochistan was 'miskeen' and not like the Punjab police. The people were docile and the police was not aggressive. There had been no death in custody.

### **Criminal gangs**

A most serious instance of gang-power was noticed at Khuzdar. A group of criminal elements had taken over the circuit house where it held court, issued summons in writing, extorted protection money, and tried to settle disputes through terror tactics. The police, district administration and intelligence agencies were believed to be protecting the group. At least they did little to end its criminal activities, though several complaints had reportedly been made by the victims. It was also alleged that if any member of the gang was arrested he was forcibly taken out of the police station. The group was said to enjoy the backing of sardars and the tribal elite.

In Loralai, the presence of a large body of Afghan refugees (said to be about 20% of the city's population) many of them having acquired Pakistan papers, was said to pose economic and law-and-order problems. It was generally believed that crime and use of illegal weapons had increased after their arrival. The predominantly Pashtun population of Loralai bordered with Baloch-majority districts. The threat of clashes between Lunis (Pakhtuns) and Marris (Baloch) over mining operations was recognised by all, but the authorities had done nothing to resolve their disputes.

### **Activities of intelligence agencies**

Complaints of intelligence agencies' (ISI in particular and also MI) interference in governance and administration were vigorously voiced in Khuzdar. It was alleged that the intelligence agencies were protecting criminal elements involved in kidnapping for ransom and drug trafficking. Another allegation was that the intelligence agencies supported religious parties and promoted their interests.

Two cases in Khuzdar were cited as examples of intelligence agencies' influence over police and their interference with the justice system. One involved the arrest and detention on vague charges of journalist-activist Rashid Azam,

and the denial of due process to him. In the other case Khan Mohammad Ghulamani was arrested for snatching a motor-bike from intelligence personnel. He was detained at an intelligence office for four days after which his dead body was found abandoned. It was said that diyat money was quietly paid to the victim's family when the matter became a public issue.

### **Journalists**

At Khuzdar, journalists complained of lack of respect for freedom of expression. The nationalist papers were denied government advertisements. One proprietor could not find a press to print his daily and had to close it down. The journalists said they were intimidated by tribal sardars as well as the intelligence agencies. The information officials regularly offered press advice. Example: The publications were told to give maximum coverage to the Prime Minister's speech against the nationalist elements. In another instance they were told to give minimum coverage to Khair Bakhsh Marri's statement.

### **Drug trafficking**

Trafficking in drugs was found to be a major issue in the Turbat district. Large quantities of narcotics are believed to be dumped in Turbat and Tump before being transported across the border with Iran. There were widespread complaints of collusion between the drug mafia and the police, Frontier Constabulary, the Anti-Narcotics Force, and the Coastguards. The people were generally fed up with the drug traffickers who operated quite openly but were afraid of retaliation if they complained. It was said that the police and the other concerned agencies leaked out informer's identity to the drug mafia. In some cases drug addicts had pointed out links in the trafficking chain but no clampdown followed. It was strongly alleged that journalists who had taken pictures of drug traffickers' operations and dens were called by the police and warned against taking such pictures. Several journalist in Turbat asserted they had informed the police chief of a drug mafia's den but it was still functioning. They had also told the District Nazim about it. The latter had said he had neither the power nor the resources to deal with drug traffickers. He could only open a rehabilitation centre but was doubtful of its sustainability.

The Turbat district police chief blamed the people for not coming forward to give evidence in drug-related cases. He acknowledged the risks faced by witnesses against the powerful drug barons, but stressed their moral and social responsibility to fight crime. He could accept no responsibility for protecting them.

Drug addiction, even amongst women, appeared to be on the rise. Known cases were limited to those arrested. Several deaths in custody had been reported mostly caused by absence of detoxification facilities. While one or two such facilities were pointed out, there were no public or private (NGO) centres for the rehabilitation of addicts. Several journalists in Turbat asserted they had informed the authorities of these deficiencies.

## **Rights of the disadvantaged**

### **Minorities**

Mekran seems to have retained its tradition of tolerance. The Hindu and Christian minorities display no visible feelings of insecurity. The Zikris had suffered persecution in the past, largely at the hands of orthodox Sunni clerics who were pursuing political gains through religio-political parties, but they did not feel threatened now. The level of tolerance is attributed to the strength of political groups in the region. However, the minorities do complain of neglect. The Christian community considered domicile a major concern for them. There was no graveyard for Christians in Turbat (80-85 families) and their dead were buried in Muslim graveyards at night under police protection. The Hindu community was targeted in the wake of the Babri mosque's demolition. Compensation was promised but not paid. The temples that were destroyed were however rebuilt and the government made a financial contribution (some money was given). However, though appearing insecure the members of the minority communities were cautious in their interaction with the HRCP team. Some of them voiced protest at what they described as the demeaning attitude of authorities towards them and the disdain with which their pleas were received.

At Khuzdar, the members of the Hindu community complained of problems in getting visas for India and pressed for the opening of the land route through Sindh (Khokhrapar). It was said that there was not a single Hindu in government service in the whole district although they had some doctors / engineers in their community. The community had suffered losses in 1992. One person was killed. Compensation had been promised but not given. The

government had given some money for reconstruction. The community did not consider itself targeted though it shared the feeling of insecurity of the rest of the population. Forced conversions were not an issue. The community considered itself part of the Baloch struggle for their rights.

The Christian community at Khuzdar complained of domicile problems and discrimination in many areas. They were too poor to claim social rights and got only low-paid jobs. When government quarters were repaired their quarters were ignored. They apprehended *qabza* over their graveyard. Their demand for a colony of their own had not been accepted. However, they praised the climate of religious tolerance which had not been affected even by the war in Afghanistan.

The representatives of the 50 odd non-Muslim families in Loralai did not mention any serious problem. They said relations with the majority community were peaceful and amicable. They had their places of worship and managed their affairs in a climate of harmony. In 1992 a Hindu neighbourhood was attacked in the wake of the Babri Mosque demolition. Six persons were killed, about 15 houses were burnt and valuables looted. The local Muslims helped in the recovery of jewellery and money but the government failed to pay the compensation it had promised.

### **Women**

The woman in Turbat appeared to enjoy more freedom than elsewhere in the country, but their social rights seemed restricted as elsewhere. Restrictions on mobility were compounded by deficiencies in the transport system. Forced marriages were not uncommon. Segregation was not a part of the traditional culture but the trend in its favour had become stronger over the recent past due to the growing influence of extremist clerics. One of the consequences of this trend was curtailment of economic opportunities for women.

The oppression of the Sardari system was more pronounced in Khuzdar. Forced marriages and child marriages were reported to be common, education and employment opportunities for women were extremely limited. No woman participated in any of the meetings the HRCP team held in Khuzdar. Registration of marriage was not a practice in Turbat, HRCP was told.

At Khuzdar, too, HRCP was told that segregation of women was a relatively new trend. Women's major concerns were said to be denial of social rights, clerics' opposition to girls' education, child marriages and lack of employment opportunities.

In Loralai, women were invisible in social life.

### **Workers**

The trade unionists in Khuzdar criticised the IRO and complained of absence of consultation with Baloch unions. The workers were denied rights allowed by law and terms of employment were arbitrarily determined by the employers. Many irregularities in the mining sector were pointed out. The employers were not making their contribution to joint funds and the workers' welfare fund was dormant. Contract labour (not local) was employed and use of bonded labour system was alleged.

### **Unemployment**

At all places visited by the HRCP teams, the problems caused by unemployment and lack of employment opportunities were highlighted.

At Turbat and Tump HRCP was told that many graduate and matriculate men and women had been seeking employment in vain.

A 70-member association in Khuzdar working for the people's right to work mentioned many problems faced by the jobless. The officials were indifferent to the plight of the unemployed. The Bait-ul-Mal declined them help while it dispensed charity allegedly on lists of bogus claimants. Promises of employment by the military rulers had not been honoured.

## **Social and cultural rights**

### **Education**

For the people of Turbat lack of educational facilities was the most critical denial of their basic rights. 52 villages were said to be without schools. The budget, staff and education facilities at colleges and schools were considered inadequate. Some people complained that although the Federal Education Minister was from their area they had not

noticed any significant advance in the education sector. The high school in her village did not have a headmaster. Four other schools too were without headmasters, and one had been recently appointed. The degree college had 3,000 students but inadequate facilities. There was no woman teacher at the degree college. 24 posts of lecturers were vacant at the college for boys. A woman teacher at Tump alleged that teachers and students were exploited by institutions' administration. The high school at Mand had no science teacher. Often, it was said, posts of teachers were created but not filled.

At Khuzdar, some young men complained that there were doubts about the permanence of the local university and a large number of seats had been given to Quetta (affecting the district quota). Many seats at the university remained unfilled. The Lecturers' Association alleged that college premises were not properly maintained. A degree college for boys and an intermediate college for girls were in a dilapidated condition. There were no residential facilities for lecturers. Public interest in higher education for girls had increased but there was no hostel for them and no facilities for the female staff. An inter-college at Awaran had been set up in a jungle, far away from the town. There were no facilities for lecturers. There was no electricity either.

The government residential college (boys) at Loralai was praised for its standard of teaching but its expenses were considered somewhat higher than people's means. Similar observations were made about a high school and an inter-college for girls.

### **Health**

In Turbat, there was one District Headquarters Hospital for a population of 650,000 people while there were six rural health centres and 52 basic health units, and some health centres had been set up by NGOs. The HRCF team was told there had been no allocation for medicines for three years. The facilities at the hospital were far from satisfactory. Out of the four gynaecologists at the hospital, three were away on training and the fourth was absent from duty till 11 a.m. Nurses and Lady Health Visitors were attending to delivery cases. The women who had travelled from far flung areas felt unhappy and frustrated. Their anxiety level was high. The X-ray unit had no films. However, HIV test facilities were available and doctors took the initiative to raise funds through public donations to run the laboratories.

The public concerns voiced before the HRCF team included: anxiety over the local maternal mortality rate being the highest in the world; absence of LHVs in the rural areas; significant incidence of malaria and communicable diseases and lack of eradication measures; water shortage, impurities in drinking water and unhygienic conditions near wells.

Similar complaints were heard at Khuzdar. The DHQ Hospital was said to be poorly equipped. There was no gynaecologist and LHVs looked after delivery cases. The staff was non-cooperative. Maternal mortality was high.

### **Disaster management**

At several places HRCF heard complaints that those affected by natural disasters did not receive adequate or timely succour. At Khuzdar, the hardships faced by the drought/famine affectees were specifically stressed. It was said that relief packages were inadequate. The provincial government was urged to provide relief over longer periods.

In Loralai, which depends almost solely on agriculture and fruit / vegetable cultivation, seven years of drought had played havoc with the local economy. A large number of fruit trees had died. Many families were forced to abandon their farms and homes. The provincial government built a few dams but these were found inadequate. The relief promised by the federal government did not fully materialise.

#### **Archaeological sites and cultural relics:**

There was no say for the local community in the preservation of such sites. Cultural relics from Shahi Jumbh, Balinagar and Dasht had been expropriated by unauthorised people.

## Concerns in Gwadar

The Gwadar mega-development project was one of the most significant causes of public agitation in Balochistan in the Autumn of 2003. The main grounds of criticism that the HRCP mission heard were: exclusion of the people and their representatives from the planning and execution of the project, irregularities in settlement of land titles, land-grabbing by outsiders, neglect of the traditional interests of the fishing community, indifference to the rights of the people threatened with displacement, inadequate representation of the local people in the new work-force, and the local community's fears of being swamped by settlers from other parts of the country. Those who rejected this criticism argued that some price had, after all, to be paid for development. They further accused the critics of being opposed to development. The latter assertion was vigorously repudiated by all the people HRCP met.

While much of what has been said about Turbat, Khuzdar, and Loralai in the earlier part of this report applies to Gwadar too, the port city presented quite a few problems peculiar to it. Hence, HRCP has decided to add a separate chapter on the Gwadar issues.

**Hafiz Husain Ahmad**, MNA and an important MMA leader, said everybody in Balochistan was interested in the development of Pakistan and Balochistan. Thus, no-one could take exception to development plans for Gwadar. However, in the past Gwadar had attracted speculators and exploiters. The way lands were grabbed and settlements planned aroused serious misgivings. Many people had bought land for peanuts and were now selling it at the price of gold. MMA had therefore directed the Local Government Minister to cancel the allotment of plots, especially those falling under the Singhar scheme. There were also fears that the local population would be turned into a minority. The Balochistan Governor was replaced because he had opposed the grabbing of Gwadar resources. The MMA wanted that primacy be attached to the interests of the people of Gwadar and the Mekran coast just as it wanted the interest of the Chaghi people protected under the Saindak project. As a matter of principle, all mega-projects in Balochistan must be under the control of Balochistan's representatives.

Hafiz Husain Ahmad also emphasised the need for protecting the rights of Gwadar's fisher-folk. They had been struggling against heavy odds for a long time and it would be wrong to ignore their interests. They should be provided with modern fishing equipment. They needed modern boats so that they could compete with foreign entrepreneurs who used modern trawlers. Greater attention needed to be given to prawn export. The MMA leader pointed out that the Gwadar project also touched on the issue of provincial autonomy.

**Mr. Abdur Rahim Zafar**, a businessman, told the HRCP team that the Chinese construction company working on the Gwadar port had recruited 400 workers and out of them only 30 or so belonged to the local community. The settlement authorities had committed gross irregularities in determining land titles. The Gwadar Master Plan covered a 12-kilometer strip from the port to the airport but it was not clear as to how the land was to be secured. The land prices had sky-rocketed. When the Singhar scheme was launched in 1990 the price of a 500-yard plot was Rs. 500 but it soared to Rs. 2,500,000 and had only come down to Rs. 1,500,000 after the start of a probe by the provincial government.

At a meeting of citizens at the Rural Community Centre, several participants told the HRCP team of their concerns over the disposal of land. **Mr Nasir Baloch** alleged that the Settlement Department had recorded land titles under *benami* system. A large number of new landowners did not belong to Gwadar. They included politicians, bureaucrats and businessmen from other parts of the country. The people of Gwadar had protested and called upon the government to publish the list of landowners. But this had not been done.

**Mr Mujibur Rahman**, Advocate, said he was appearing in three cases in which local people had sought reversal of fraudulent entries of their lands in other people's names. The staff of the Additional Sessions Judge had arrived in Gwadar but no building for his court was available. As a result the litigants had to go to Turbat, 200 kilometers away. He said that as the settlement record was inaccessible to the people, a large number of people did not know that their lands had been transferred to other people (by officials who took bribes).

The HRCP team called upon the Gwadar EDO (Revenue), **Mr Abdul Hafeez Hote** to ascertain his views on

complaints of irregularities in land titles. He admitted that he had received such complaints but he could do nothing in this matter as the Settlement Department had not yet completed its survey. Nor had he received the relevant record despite repeated requests. The EDO (R) also made the following points:

- ◆ The Settlement Department had started land survey to determine land titles in 1983. The work had not yet been completed.
- ◆ The chairman of the Chief Minister's Inspection Team had visited Gwadar to probe complaints of irregularities in land record.
- ◆ The Gwadar Port Authority had asked him to secure another 59 acres of land and the Mulla Bund settlement was threatened. According to him, the Mulla Bund ward covered 288 acres of land and the area under houses was 65 acres. The transfer of Mulla Bund land to the Port Authority would affect 35 families. Under the Revenue Act he had issued a notice to the families concerned on September 29, 2003, asking them to file objections to the transfer of the land to the Port Authority within 30 days but not a single objection had so far been received. He had also requested the District Nazim to get the notice delivered to the affected families.

**Mr. Iqbal Nadeem**, the Gwadar DCO, was of the view that the port project would usher in a period of progress and prosperity in Gwadar. The fears and reservations of the nationalist elements had no basis in fact and these elements were raising issues for selfish political reasons. The settlement complaints were being probed by an inquiry committee set up by the provincial government. He had received no complaints about the recruitment of non-local hands by the Port Authority or the harassment of fisher-folk by the Navy personnel.

**Mr. Babu Gulab**, the District Nazim, asserted that complaints of irregularities in the land settlement record were true and he himself had raised the matter with the Chief Secretary, who had indeed ordered an inquiry. The losers included the government and the people both. He also made the following points:

- ◆ As regards the Mulla Bund affectees, he had proposed to the government compensation at the rate of Rs. 270 per sq ft and allotment of alternative land near the coast (so that they could continue their fishing operations). When asked whether the affected families knew of the plans/ notices for their eviction and shifting, he pleaded ignorance.
- ◆ When asked to give his views about the establishment of the Gwadar Port Authority, he said he knew nothing about it.
- ◆ As regards the recruitment of labour, he said in the beginning non-locals formed a majority of the labour force but now a fair number of locals had been employed. He regretted that the wages offered by the construction company were extremely low.
- ◆ The District Nazim said it was true that the schools did not have science teachers in an adequate number. He was keen on removing this deficiency. However, people were not cooperating. An NGO wanted to set up three schools in Gwadar but nobody was prepared to give land for these schools.

*Tehsildar's office:* The HRCP team visited (October 21) the office of the Tehsildar, Settlement. **Patwari Ghulam Husain** told the team that nobody had made any complaint to him about irregular transfer of land during the three months that he had been at his post. He explained to the team that land title was established on the basis of possession. The patwari concerned measured the land and submitted a report to the Tehsildar in the light of statements by witnesses on the site.

[A landowner outside the office told the team that a patwari charged at least Rs 5,000 for agreeing to survey and measure the land. He alleged that the patwaris posted in the past had collected hundreds of thousand rupees for preparing bogus land record.]

**Mr. Noor Ahmad**, Settlement Naib-Tehsildar, Gwadar, told the team that his department was performing its duties in a transparent manner but difficulties arose when the people did not cooperate with it. The settlement department attracted public anger only after the start of the port project. He said the revenue department had repeatedly been requested to take over the settlement record but they had declined. Since his office had no security guard

(chowkidar) he requested the DCO and the DPO for security whereupon the latter shifted the record to the police station. This arrangement created problems for him and the public in accessing the record. Further, he said, the patwari was not allowed any TA/DA for land survey / measurement and the expenses on his travel, etc., had to be borne by the applicant (who wanted the land to be measured). The office was not allowed any stationery fund. Thus, those seeking help from the officials had to pay for stationery also. Besides, the government stopped making payments (at Rs 1,000 per month) to the person who accompanied the patwari and actually measured land, and his wages too had to be paid by the applicant. The land record was not open to public. Permission had to be sought from the settlement officer who had his office in Turbat.

One of the factors contributing to confusion in regard to land titles, the Naib Tehsildar said, was that some Gwadar citizens had dual nationality (Pakistan and Oman) and sometimes Omani documents were produced to claim ownership of land.

All disputed matters had to be referred to the EDO (R). The higher forums were the Senior Member of the Board of Revenue and the Qazi court. However, during his 18 months' tenure no complaint regarding title deeds had been submitted to him.

A person, **Ramzan Hasan** met the team on October 21 and told this story. The settlement office entered 200 acres of his land in the name of a landlord, Seth Rajab Shehnoori. However, the latter gave him in writing that the land belonged to him (Ramzan Hasan). When he approached the settlement office for entering his name as the landowner, he was told no mutation was possible in view of the ban on sale of land. When he pointed out that his request did not involve sale or purchase of land, he was told to wait. Subsequently, Seth Rajab Shehnoori wanted to buy his land and he refused. He said he was in litigation with another person, Saeed Mohammed Bheel, whose name had been entered as the owner of a tract of land that actually belonged to him. He said a majority of the people in Gwadar were illiterate and they did not even know that their property had been transferred to other people.

### **Fisheries:**

A number of people talked to the HRCF team about the problems faced by the fishing community.

**Mr. Imam Bakhsh Imam**, a former administrator of the Gwadar municipality, was of the view that due to the poor planning of the port small fishing boats would not be able to enter deep waters. The smaller fishermen might face starvation.

**Mr. Khuda Bakhsh**, Principal of the Model High School, said that at the port site there was an underwater range of rocks where fish took refuge in a large number. This range was now being split up. As a result, fishing near the coast would become impossible and the repairing of small boats would become difficult. Once the port was commissioned only fishing by big trawlers would be possible. He suggested the construction of a new wharf for fishermen.

**Mr. Abdul Qadir**, a political activist, complained of fishermen's harassment. The fishermen were asked as to how long they would stay in deep waters and if somebody came back earlier than he had said he was harassed by the coastguards. According to him the Navy had been given 25,000 acres of land and another 40,000 acres had been given to various security agencies and this seriously created doubts about development.

The HRCF team visited the Mulla Bund settlement, adjacent to the port, which falls within the port installation plan. One of the residents, **Mr. Abdul Razzaq Dilshad**, said the people of the village were to be shifted from their homes but no alternative land had been earmarked. He said the village folk had set up a 12-member committee to negotiate with the authorities for the acceptance of their resettlement/ compensation plans.

The team also visited the fish harbour, opposite the port and talked to several fishermen.

**Mr. Ali Mohammad** said he was happy about the port project as it would lead to prosperity. However, he stressed the need for expansion of the fish harbour.

**Mr. Noor-ul-Haq** welcomed the port project but wanted the government to help the fishermen to acquire big

trawlers so that they could survive. He said the construction of the port was not the fishermen's problem. What was a matter of concern to them was that there were only two units for the cleaning and preservation of the fish and they arbitrarily fixed the rates for its purchase. He pleaded for fish plants in the public sector and for fixing floor prices for fish.

**Mr. Ali Akbar** also welcomed the port project. However, he was not happy with the Naval personnel's attitude towards the fishermen.

**Mr. Abbas** said the port project was a positive development but it was also necessary to attend to the problems of the fish harbour.

### **The port project**

For an overview of the Gwadar Port Project, the HRCP team talked to **Captain Bashir**, Deputy Director (Electricity), who was also looking after other affairs of the project. The project was launched on March 23, 2002. The construction work was scheduled to be completed in 36 months, that is, Phase I was due to be completed by March 2005. The project cost was estimated at Rs. 948 million. Captain Bashir rejected the view that local people had not been recruited to the labour force. 265 workers out of a total of the 412 Pakistanis employed on the project belonged to Gwadar, 150 of them to Gwadar city itself. All recruitments were done through the District Nazim. At the start of the project a large number of local workers had been engaged but many of them – between 600 and 700 – left for Karachi after acquiring skills and the contractors, who were Baloch, had to look for workers from outside the local area. A project to train local young men in port works was going on. Under the employment policy for the port, all employees in scales 1 to 15 would be required to have Balochistan domicile. Posts in scales 15 and above would be filled on the basis of provincial quotas. Besides its contribution to commerce, the port also had high defence importance. However, no land had yet been allocated for the Gwadar cantonment. In any case the cantonment had to be at a distance of 110 miles from the port. After the completion of Phase I the port would be able to receive ships of upto 50 tonnes weight and after the completion of Phase II its capacity would go upto ships of 250,000 tonnes. Captain Bashir conceded irregularities in land transactions and confirmed that about 100,000 acres of land had been sold about six times, and of this 35,000 acres belonged to the state. However, only 400 hectares were needed for port installations. 200 hectares had been reclaimed from the sea, 175 hectares of land was available with the government, and only 25 hectares were to be acquired from the public

**An administrator**, who spoke on the condition of anonymity, told the team that public complaints regarding irregularities committed by the land settlement department were correct. Not only the people had been wronged, the government too had suffered. According to him about 50% of the transactions / mutations were questionable. As for law and order, Gwadar was the most peaceful district in Balochistan. There had been only one murder in 10 years and atrocities against women were insignificant. However, the incidence of crime might rise once the port was completed. The local administration had requested the government to set up six new police stations in Gwadar and provide 108 police officials and 15 vehicles. He also referred to the division of law and order responsibilities between the police (under the DPO), that controlled the A area (from 5 to 15 kilometres long) while the Levies controlled the B-Area (about 95% of Balochistan).

### **Findings and Recommendations on Gwadar**

Maybe, a deeply shared culture of a deprived community adds an extra dimension to their grievances but no independent observer can deny that their concerns are genuine and rooted in public experience.

The complaint that the local and the provincial authorities were not associated with the planning and execution of the Gwadar Port Project needs to be addressed even at this stage, by allowing them due say in all matters of concern to them. They need to be consulted in preparation of the new fish harbour and Gwadar master plan.

After the completion of the project the population of Greater Gwadar is estimated to rise to two million (from the present 16,000).

A population explosion of this size will alter the demographic map of an area larger than the port city. A serious effort needs to be made to examine the socio-economic the political implications of this development and safeguards for the local community's interests devised in consultation with its representatives.

The administration is pathetically inadequate. If the revenue record is kept at a police station and not only ordinary applicants but the revenue staff has difficulty in accessing it, and one has to travel 200 kilometers to access a judicial forum, the plight of the people can easily be imagined. There is urgent need to set up an administrative machinery capable of settling all matters on the spot.

The land settlement issue must be addressed at an appropriately high level and matters such as dual nationality

# The mission plan

## **Team 1: Gwadar – October 19-21, 2003**

*Members:* HRCP Council members Uzma Noorani, Kamran Arif and Ronald d'Souza. Mr Akhtar Baloch, Sindh Coordinator of core-groups. Local coordinator: Mr. Ali Baloch

*Meetings:* Hafiz Husain Ahmad MNA; District Nazim Babu Gulab; the DCO, the EDO (R); the Deputy Director (Electricity) Gwadar Port; Revenue and Settlement officials; Mr. Imran Bakhsh, former Municipal administrator; Mr. Khuda Bukhsh (principal of a school); and members of the fishing community.

*Visits:* Gwadar Port; Fish harbour; Mulla Bund; Revenue offices

## **Team 2: Turbat and Tump, October 19-21, 2003**

*Members:* HRCP Secretary-general Hina Jilani; Council member Shahtaj Qizilbash; Mr. Husain Naqi, National Coordinator, Core-groups. Local coordinator: Prof. Ghani Parwaz

*Meetings:* District Nazim Aslam Bizenjo; the Naib Nazim; the DCO; the DPO; other local government members and officials. The District and Sessions Judge, Turbat-Panjoor – Gwadar. The President and members of the District Bar Association; political workers; NGO activists; journalists; students organisation, HRCP core-group members.

*Visits:* District Hospital, Turbat; District Jail, Turbat; Government Degree Colleges; private schools.

## **Team 3: Khuzdar October 23-24, 2003**

*Members:* HRCP Secretary-General Hina Jilani; Council members Kamran Arif and Joseph Francis. Local coordinator: Mr. Naeem Sabir.

## **Team 4. Loralai October 23, 2003**

*Members:* HRCP Council members Syed Iqbal Haider, Rochi Ram, Jam Saqi, Peter Jacob, and M. Asif Khan. Mr. Zaman, Coordinator, Complaint Cell.

*Meetings:* District Nazim; Bori Tehsil Nazim; Members of the district bar association; District jail staff, members of the minority community.

*Visits:* The jail, the district bar.

## **Team 5. Quetta October 23-24, 2003**

*Members:* HRCP vice-chairperson Zahoor Ahmad Shahwani; Council members Tahir Mohammad Khan, Zohra Sajjad Zaidi, Farah Deeba and Jam Saqi, and Director I. A. Rehman.

*Meetings:* The Chief Justice of the Balochistan High Court; members of the Bar Council and the Bar Association; political workers.

*Visits:* The High Court; the Machh Central Jail.

**Footnotes:**

<sup>1</sup> Leader of a tribe

<sup>2</sup> Literally meaning fugitives, however, referring to Baloch militants.

<sup>3</sup> Sometimes written as Chappar

<sup>4</sup> *The Nation*, Saturday, December 17, 2005.

<sup>5</sup> Article 4 of the Constitution of Pakistan.

<sup>6</sup> Article 9 of the Constitution of Pakistan.

<sup>7</sup> Article 10 of the Constitution of Pakistan.

<sup>8</sup> UN document EICN.4H99717IAdd 2

<sup>9</sup> A "Syed" is a title given to people who claim to be the direct descendants of the Holy Prophet (Peace be upon him).

<sup>10</sup> The DCO said: "Even if 200 or 400 people die.... Let them die!"

<sup>11</sup> Reference, serial no 1, publication no 12 of July 1993.

<sup>12</sup> Senator Amanullah Kanrani, is the president of the Balochistan High Court and Counsel in the trial of Satal Bugti's murder. Those tried in absentia are Jalalurrehman Bugti, Sanaullah Bugti and Kodil Bugti.

<sup>12a</sup> The only other place offered was the PPL compound, which is heavily guarded limiting all access to anyone inside.

<sup>13</sup> Report of the Parliamentary Committee on Balochistan, November, 2005.

<sup>14</sup> The royalty is received by the Provincial government.

<sup>15</sup> There are 17 members from Balochistan in the National Assembly of presently 342 members and 22 Senators out of 100: minority seats are not included.

<sup>16</sup> CCI; members are Chief Ministers of the Provinces and an equal number of members from the Federal Government to be nominated by the Prime Minister. It mainly regulates policies in relation of the Federal Legislative List, partly electricity and water issues.

NEC; Prime Minister chairs it and other members are nominated by the President. It reviews the overall economic condition in the country including electricity, construction of hydro-electric or thermal power.

NFC; Members shall be federal and provincial finance ministers and others to be appointed by the President. It deals with distribution of grants-in-aid, taxes and Federal Consolidated Funds amongst other matters.

<sup>17</sup> Article 148 of the Constitution of Pakistan.

<sup>18</sup> Article 149 of the Constitution of Pakistan.

<sup>19</sup> Article 232 of the Constitution of Pakistan.

<sup>20</sup> Article 152 of the Constitution of Pakistan.

<sup>21</sup> Report of the Parliamentary Committee on Balochistan.

<sup>22</sup> Dawn 14. January, 2006.

<sup>23</sup> Page 49 of the Committee's report.

<sup>24</sup> Jalawan is the southern area and Sarawan the northern area. It includes the MangleZehris, Raisani and Rind tribes.

<sup>25</sup> According to the government "farari" are people who are criminals and on the run. Marri leaders insist that "farari" means son of the soil and these camps are being maligned.

<sup>26</sup> A high ranking government official confided to the team of HRCP.

<sup>27</sup> They told the team that talks cannot be ruled out, but they should be held without holding a gun to their heads.

<sup>28</sup> Press briefing reported on Monday, January 16, 2006.

<sup>29</sup> The division of Provinces was made on ethnic considerations.

<sup>30</sup> Dawn February 2, 2003.

The Balochistan Chief Minister, Mr. Jam Yousaf has said that the Sui gas royalty and other related issues would be resolved through negotiations and mutual consultation.

Talking to newsmen after the oath-taking ceremony of the new governor here on Saturday, the Chief Minister said: "We are in touch with Nawab Akbar Bugti and positive steps would be taken towards this issue taking Nawab Akbar Bugti into confidence".