

KP Reimagined

FATA's Long-Awaited Merger
with Khyber Pakhtunkhwa



An HRCP Fact-Finding Report



Human Rights Commission of Pakistan

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Acronyms and Abbreviations

DC	district commissioner
ECP	Election Commission of Pakistan
FATA	Federally Administered Tribal Areas
FCR	Frontier Crimes Regulation
FDMA	FATA Disaster Management Authority
HRCP	Human Rights Commission of Pakistan
IDP	internally displaced person
KP	Khyber Pakhtunkhwa
MNA	Member of the National Assembly
MPA	Member of the Provincial Assembly
NSC	National Security Committee
PATA	Provincially Administered Tribal Areas
PML-N	Pakistan Muslim League (Noon)
PTI	Pakistan Tehreek-i-Insaf
PTM	Pashtun Tahafuz Movement
SAFRON	Ministry of States and Frontier Regions
TTP	Tehreek-i-Taliban Pakistan

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Introduction

The tribal districts of Khyber Pakhtunkhwa—formerly known as the Federally Administered Tribal Areas (FATA)—were merged with the province of Khyber Pakhtunkhwa in 2018. Before the merger, the region was kept separate from the rest of Pakistan, both under colonial rule and post-1947. It was administratively divided into seven tribal agencies and six frontier regions with their own traditional customs, tribal configurations and administrative set-ups. Geographically, the region covers an area of around 27,200 square kilometres, with the Durand Line separating it from Afghanistan in the north and west. Small valleys dotted with settlements and agricultural fields break up its mountainous terrain. Although most of the area of this region is either dry or semi-dry with hot summers and cold winters, the temperature varies from valley to valley.

The social system is being rapidly transformed and new ways of thinking are taking root among the younger generation.

In terms of ethnic composition, erstwhile FATA is predominantly inhabited by the Pashtuns—an ethnic group living on both sides of the Durand Line in Khyber Pakhtunkhwa and in some areas of Balochistan. There are several Pashtun tribes in the region, but only a few major tribes have influence in the agencies, e.g. Shinwaris and Afridis in the Khyber tribal district and Wazirs, Mehsuds and Dawars in North Waziristan and South Waziristan. Pashtuns follow a robust tribal system and customs. Pashtunwali—the Pashtun way of life—plays a major role in tribal society. However, the social system is being rapidly transformed and new ways of thinking are taking root among the younger generation.

Until 2018, erstwhile FATA was governed by the Frontier Crimes Regulation (FCR), an oppressive and discriminatory law enacted by the British in 1901 and later adopted by the state of Pakistan after it gained independence. The FCR was subject to severe criticism, nationally and internationally, for violating fundamental human rights as well as rights enshrined in the Constitution of Pakistan. Under the FCR, the political administrations in charge of the agencies were granted incentives to maintain stability, largely at the expense of the wider population. People were denied constitutional protection of their fundamental rights, such as safeguards against unlawful arrest and detention, protection against double jeopardy or self-incrimination, the inviolability of the dignity of man, the prohibition of torture to extract evidence, the protection of property rights and the equality of citizens. One of the most notorious provisions of the FCR was that of collective punishment, a heinous violation of human rights.

The region has been grossly neglected by the state of Pakistan in terms of socio-economic development and ranks lowest in the country in terms of human development.

The region has been grossly neglected by the state of Pakistan in terms of socio-economic development and ranks lowest in the country in terms of human development.¹ The literacy rate is one of the lowest in South Asia and the majority of the inhabitants are unemployed—resulting in internal migration to other areas of Pakistan, particularly urban centres. The FCR not only deprived the people of erstwhile FATA of their fundamental rights, but also set the region up for poor governance. This, along with neglect by the state, insufficient funding, and the fraught security situation, has resulted in widespread poverty. According to a journalist from South Waziristan, the

¹ UNDP, Pakistan Human Development Index Report 2017.

social welfare facilities and allocation of newly created health services are at the behest of the army, most notably in South Waziristan.

Since 2001, erstwhile FATA has also served as a refuge for militant groups, including Al-Qaeda and the Taliban from neighbouring Afghanistan. The presence of foreign fighters and radicalisation of the indigenous population has given birth to the Tehreek-i-Taliban Pakistan (TTP). In response to this, the Pakistan armed forces have conducted a number of military operations in the region. The most recent, Operation Zarb-e-Azb, took place in North Waziristan in 2014. It caused widespread damage to homes, schools and hospitals, and displaced approximately one million people from the tribal areas.

In July 2014, an HRCP delegation met with officials of the Ministry of States and Frontier Regions (SAFRON) in Islamabad. At the time, the Ministry was functioning as the principal government agency dealing with North Waziristan internally displaced persons (IDPs). The two parties discussed the situation concerning IDPs, most of whom were living with host communities in Bannu. According to Ministry records, there were almost one million registered IDPs, about two-thirds of which were women and children. However, actual migrants were close to 450,000. Others had arrived before the army operation began, in anticipation of the military action.

According to Ministry records, there were almost one million registered IDPs in 2014, about two-thirds of which were women and children.

Upon being registered, IDPs were provided with basic food packages, polio drops and medical care. Cash grants were managed by the FATA Disaster Management Authority (FDMA). The federal government and provincial governments of Khyber Pakhtunkhwa and Punjab also provided cash assistance, including monthly rent assistance and a PKR 5,000 Ramadan package. Despite these efforts, members of the delegation reported massive mismanagement after meeting with some IDPs directly. They found that the federal government bypassed more experienced staff from the Khyber Pakhtunkhwa Provincial Disaster Management Authority and preferred to work only with the FDMA (though the provincial authorities denied this). HRCP also found that the absence of a specific policy framework on IDPs was undermining the crisis management process.

In September 2014, HRCP sent a fact-finding team to look further into the conditions of IDPs from North Waziristan. The team, comprising Muhammad Raza Advocate, Sardar Khizar Advocate, Tariq Syal and Nizam Dawar, met with the Commissioner and Deputy Commissioner of Bannu, an Agency Coordinator from FDMA, a committee of IDPs, and IDPs from religious minority backgrounds. According to the team's fact-finding report, there was a lack of coordination between government departments dealing with relief and assistance.

Local journalists say that, despite the commitment made by the military to clear the area of landmines within a few months, explosions still occur on a regular basis.

There was also a narrowing space for humanitarian organisations to provide relief and assistance, due to the difficulty in obtaining no-objection certificates from the relevant authorities. Data on the number of women and children was also lower than the actual figures, largely because the displaced population lacked computerised national identity cards. However, in recent years the government has undertaken the repatriation process and made sincere efforts to register all the IDPs. According to the latest census in 2017, former FATA had a population of just under 5 million people.² However, locals do not believe these numbers are accurate.

In January 2018, the extrajudicial killing of a Pashtun shopkeeper, Naqeebullah Mehsud, by Karachi police garnered national attention. Shortly after the incident, the Pashtun Tahafuz Movement (PTM)

² Census data for FATA available at <http://www.pbs.gov.pk/content/block-wise-provisional-summary-results-6th-population-housing-census-2017-january-03-2018>

rose to prominence as a youth-led movement calling for an inquiry into Mehsud's death, which became a catalyst for PTM to raise awareness of other issues faced by the Pashtun people. Led by Manzoor Pashteen, a human rights activist in his twenties, PTM organised a march from Dera Ismail Khan to Islamabad where they held a sit-in. They demanded the removal of landmines from the Waziristan region and other parts of erstwhile FATA and drew attention to the suffering endured by Pashtuns as a result of military operations, terrorism, the FCR, and restricted movement due to army checkpoints. They have also called for the release of missing persons. According to a local journalist, despite the commitment made by the military to clear the area of landmines within a few months, explosions are still occurring on a regular basis, especially in the Ladha area of South Waziristan. As recently as April 2014, the media reported that a woman had lost her leg in a landmine accident in South Waziristan.

The PTM has demanded the removal of landmines from Waziristan and other parts of erstwhile FATA and drawn attention to the suffering endured by Pashtuns resulting from military operations, terrorism, the FCR and restricted movement due to army checkpoints.

The PTM and its supporters have been labelled 'anti-state' and accused of receiving foreign funding. There has also been a media blackout, severely limiting coverage of the movement's activities. However, the PTM has received international coverage, most notably in the *New York Times*.³

In May 2018, both houses of Parliament and the Khyber Pakhtunkhwa Assembly passed the 25th Amendment to the Constitution of Pakistan, finally sealing the merger and mainstreaming of FATA into the province of Khyber Pakhtunkhwa. Although the issue had been debated by both the Parliament and the Cabinet for many years, the process actually began on 18 May 2018, with the decision ultimately being made by the National Security Committee (NSC).

Following the decision taken by the NSC, the Cabinet endorsed the NSC's decision on 22 May 2018 and prepared a constitutional amendment bill. The next morning, a summary was moved by the Minister of States and Frontier Regions, through the Law Division, to the caretaker prime minister Shahid Khaqan Abbasi. Attached with the summary was a draft version of the FATA Interim Governance Regulation, which would replace the FCR. On 24 May 2018, the bill was tabled by the National Assembly and passed with just one vote more than the required two-thirds majority. The bill passed the Senate on 25 May 2018 with another slim majority. However, since the bill involved changing the boundaries of Khyber Pakhtunkhwa, it needed to be passed by the Khyber Pakhtunkhwa Assembly as well. This was done three days later, as the final act before the end of its five-year term.

While the 25th Amendment itself has been praised, there are concerns about its implementation (or lack thereof). Replacing the old administrative structure, establishing courts and creating new government departments will not be easy.

According to the summary and draft FATA Interim Governance Regulation, which claimed that it would provide a system of administration, maintenance of peace and good governance, Deputy Commissioners would replace FCR-era Political Agents, and Agencies would become tribal districts. Moreover, judges would be appointed in every district and the people of the region would now have the right of appeal to the high court. More than one hundred laws applying to other parts of the country would now apply to the newly merged areas of former FATA, including provisions in the Code of Criminal Procedure 1898.

Thus the 25th Amendment and the merger were essentially linked with the FATA Interim Governance Regulation. While the 25th Amendment itself has been praised, there are concerns about

³ <https://www.nytimes.com/2019/02/11/opinion/pashtun-protests-pakistan.html>

its implementation (or lack thereof). Replacing the old administrative structure, establishing courts and creating new government departments will not be easy. There is also the question of law enforcement agencies—khasadar and levies forces—as well as reconstruction and development of areas left devastated by years of conflict and military intervention.

Following the merger, elections were held for the first time in erstwhile FATA on 20 July 2019 to elect representatives to the Khyber Pakhtunkhwa Assembly. However, several weeks before the elections took place, members of the PTM clashed with the Pakistani Army at the Kharqamar checkpoint in North Waziristan. Videos surfaced on social media showing the military firing at unarmed protestors. Ali Wazir and Mohsin Dawar, members of the National Assembly (MNAs) who are among the central leaders of the PTM, were arrested. They are still in jail at the time this report was sent to press.

The Mission

From June to July 2019, the Human Rights Commission of Pakistan (HRCP) conducted a fact-finding mission to examine the pace and impact of the FATA-Khyber Pakhtunkhwa merger and the pre-election environment throughout the province. The mission was primarily concerned with the protection of human rights during the integration process and the election campaigning period and intended to observe what arrangements were in place to protect the rights of the people of erstwhile FATA. Another objective was to compare the integration of FATA with that of the Provincially Administered Tribal Areas (PATA). The mission was carried out in three legs: the first took place in Bannu and Dera Ismail Khan, the second in Peshawar and Khyber district, and the third in Swat.

Residents of the following newly-merged districts were interviewed:

- North Waziristan
- South Waziristan
- Khyber
- Kurram

The first leg of the mission took place between 22 and 24 June 2019 and comprised Farhatullah Babar (former Senator and HRCP member), Salima Hashmi (Vice Chair, Punjab), Uzma Noorani (Co-chairperson, Karachi), Akbar Khan (HRCP Council member), Danyal Anwar Khan (staff member, Lahore) and Shahid Mehmood (HRCP Regional Coordinator, Peshawar).

Over the course of three days, the mission members met with a range of stakeholders including community members, election candidates, IDPs, families of missing persons, professionals (journalists, lawyers, teachers and one psychiatrist), and relatives of MNAs Mohsin Dawar and Ali Wazir. The mission members tried to visit the Baka Khel IDP camp on their way from Bannu to North Waziristan. However, officials at the camp said that they would need permission from the corps headquarters. They also said that they had tried to contact the corps headquarters, but it was closed for the holidays and thus they could not get through. The mission members asked for the contact numbers of the officials concerned, but these were not provided.

The HRCP mission was not granted access to the IDP Baka Khel camp; the camp officials also prevented entry of the mission members to North Waziristan.

In addition to not being granted access to the camp, the camp officials further prevented entry of the mission members to North Waziristan. The mission members wanted to go to Miranshah, but were told that they would need permission from the civil administration for this purpose. Farhatullah Babar had already placed calls to the district commissioner (DC) and deputy DC, as the mission team wanted to visit Kharqamar and offer condolences to the bereaved families there. However, the phone calls went unanswered. The mission team was also told that a curfew had been imposed in North Waziristan.⁴ Thus the mission was restricted to meeting the affected people in Bannu.

The second and third legs of the mission took place concurrently between 8 and 15 July 2019. One team comprising Hina Jilani (HRCP Council member), Ghazi Salahuddin (HRCP Council member), Parveen Soomro (HRCP Council member), Danyal Anwar Khan and Shahid Mehmood visited Peshawar and Khyber district and met with current and former members of the local administration, civil society, election candidates, journalists, judiciary and lawyers, party workers, religious minorities and members of the transgender community. At the same time, between 8 and 10 July,

⁴ <https://www.dawn.com/news/1487295>

Habib Tahir (HRCP Vice-chairperson, Balochistan), Uzma Noorani (HRCP Co-chairperson), and Fatima Faisal Khan (staff member, Lahore) visited Swat, where they met with an advocate of the High Court, a journalist, relatives of missing persons, a former member of the Provincial Assembly (MPA), and the superintendent of a women's shelter.



Members of HRCP's mission and local people of Parachinar meeting in Peshawar

HRCP requested a meeting with the KP Home Secretary on Friday, 12 July 2019 and he responded by issuing an invitation to a meeting on 15 July 2019. HRCP took up the invitation to obtain his perspective. Sadia Bokhari (HRCP Council member), Professor Ijaz Khan (former HRCP Vice-chairperson, KP), Shahid Mehmood (HRCP Regional Coordinator, Peshawar) and Danyal Anwar Khan (staff member, Lahore) represented HRCP at that meeting.

Meetings were requested with the XI Corps Commander in Peshawar and with the Director General of the Inter-Services Public Relations (ISPR), the military's media wing in Islamabad. Despite an initial response in the affirmative, and flexibility on the part of HRCP to accommodate their schedules, eventually neither party facilitated a meeting with HRCP to discuss this important topic.

The FATA-KP Merger and its Sociopolitical Implications

Some of the formalities required for carrying out the merger of FATA with Khyber Pakhtunkhwa were completed in 2018. First, the jurisdiction of the Supreme Court and the Peshawar High Court was extended to the tribal districts of erstwhile FATA. Then, as the Pakistan Muslim League (Noon) (PML-N) government headed by Shahid Khaqan Abbasi neared the completion of its five-year term, it pushed through the 25th Constitutional Amendment in Parliament to seal the merger plan. Finally, in the last week of May, the Khyber Pakhtunkhwa Assembly endorsed the merger of FATA and Khyber Pakhtunkhwa and the federal government passed the FATA Interim Governance Regulation 2018.

After the National Assembly's term expired at the end of May 2018, the caretaker government continued the merger process, replacing Political Agents with Deputy Commissioners and setting up task forces to complete the merger formalities. In September, the new government of Prime Minister Imran Khan took charge of the process, but soon faced challenges when the Peshawar High Court ruled that some provisions of the FATA Interim Governance Regulation violated the Constitution.⁵



Speakers at HRCP's conference on the FATA-KP merger, Islamabad, 8 June 2018

It should be noted that HRCP held a roundtable conference on the FATA-KP merger on 8 June 2018, during which several speakers—including academics, activists and youth from erstwhile FATA—raised concerns about the merger process and the FATA Interim Governance Regulation. Specifically, they addressed the fact that the Regulation granted judicial powers to deputy commissioners (the bureaucracy), thereby ignoring the jurisdictions of the Supreme and High Courts. Secondly, it did not recognise local government in any capacity. There was a fear that the Regulation could undermine the merger and reforms process. Serious overall concerns were also raised about the exclusion of women from consultations held by the FATA Reforms Committee and the lack of infrastructure for women and children (such as crisis centres and family/juvenile courts).

⁵ <https://www.dawn.com/news/1442474>



Stakeholders discussing the FATA reforms in Islamabad on 8 June 2018

In 2019, members of HRCP's fact-finding mission interviewed local elders, journalists and lawyers in Khyber Pakhtunkhwa and erstwhile FATA, all of whom expressed deep concerns about the merger process and how the state had chosen to go about it. Many of those interviewed felt that the state was imposing the merger on the people of the region and they specifically mentioned the lack of meaningful consultation. Despite the fact that the government formed a committee to consult with locals about the merger, they insisted from the beginning that there was no inclusivity or diversity in the process. One interlocutor even claimed that only people with 'vested interests' in the merger were taken on board. Although most people interviewed by the mission members welcomed the merger in principle, one of the major grievances was the lack of preparation, or 'homework' as many described it. This is perhaps why some people lack confidence in the new system (particularly the elderly, who mostly remain unconvinced that the merger will bring about any real change).

One of the major challenges in the merger process is the legal vacuum that was created in transitioning from the old system to the new one. There are also concerns about the criminal justice system, the role of the judiciary and the legal status of prisons and internment centres post-merger.

One of the major challenges in the merger process is the legal vacuum that was created in transitioning from the old system to the new one. There is a great deal of confusion around which laws apply and which do not, as well as practical concerns relating to the integration of khasadar and levies into the newly formed police. The DC of Khyber (formerly a tribal agency) acknowledged that khasadar and levies personnel had feared that they would be made redundant, but they were now being integrated into the KP Police. However, other interlocutors claimed that most of these new police officers are not aware of their responsibilities and do not know what procedures to follow under the new laws. The local community's objections to the deployment of these officers are based on the fact that the officers lack the necessary education, training and professionalism to carry out their duties and are steeped in old practices unsuited to public service.

There are also concerns about the criminal justice system, the role of the judiciary and the legal status of prisons and internment centres post-merger. Under the FCR, people accused of committing crimes were brought before a jirga. The jirga would decide on a punishment based on tribal laws and customs. There were no formal procedures relating to the collection of evidence or lodging of FIRs. Now that the jirga system has been abolished, there is no mechanism for dealing with the backlog of old cases. Thus, there is no recourse for people who can no longer turn to the old system and, due to lack of evidence, cannot get justice under the new one. This has caused significant resistance to the merger and the new legal system, with many people feeling that it is slow and ineffective.

Generally, there seems to be uncertainty about the future and how the region will be governed on a day-to-day basis. There is lack of trust in the police and law enforcement and scepticism about the state's intentions. There is also a perception among some locals that the merger is happening at the behest of certain security agencies. In Dera Ismail Khan, for example, the mission spoke to a group of lawyers and one journalist who expressed doubts about the state's intentions and indicated that locals have not benefitted from the merger in any way nor seen any tangible changes in the year since it was enacted. On the other hand, a journalist that the mission spoke to in Bannu, Mr Gohar Wazir, stated that most people working in the media are in favour of the merger.

For the merger and mainstreaming of erstwhile FATA to be successful—and for the transition to be as smooth as possible—the military authorities must cooperate with the civilian administration's plans.

The legal community is mostly split on the issue of the merger. Those who are against it believe that the FCR was similar to their traditional tribal customs and that it will be difficult to get used to a new system of governance. For example, under the old system, Political Agents would give money to some maliks (tribal leaders) to ensure the support of the tribes in various matters. Although this was not legal even under the FCR, now that it has been abolished these maliks do not have any incentives to support the new system. However, those who support the merger believe that the newly applicable laws are more progressive than the FCR and that mainstreaming FATA is a positive step.

What is needed now is a functional and accessible administrative and judicial structure. In practical terms, this is proving quite difficult for the government as it seems to be making several miscalculations. For example, in Dera Ismail Khan the government allegedly established a district court in Tank that is 100 kilometres away from the local population. Delays in the setting up of government departments and the lack of infrastructure required for proper integration, i.e. legal and administrative governance of erstwhile FATA, was also raised by the President of the Peshawar High Court Bar Association. It is important to note here that, for the merger and mainstreaming of erstwhile FATA to be successful—and for the transition to be as smooth as possible—the military authorities must cooperate with the civilian administration's plans.

The Human Rights Situation in Western KP

Women's rights

Post-merger, there appear to have been some positive developments regarding women's rights, political participation and involvement in social and cultural affairs throughout the province (including in Peshawar, Swat and the conservative tribal districts). Two women contested the election on general seats—Naheed Afridi in PK-106 (Khyber) and Malasa Bibi in PK-109 (Kurram). With the help of civil society, a group of tribal women has established a network known as Takra Qabaili Khwanday (Pashto for 'Brave Tribal Sisters') to discuss issues faced by women in erstwhile FATA. The network has been operating since 2012.

Post-merger, there appear to have been some positive developments regarding women's rights, political participation and involvement in social and cultural affairs. Nevertheless, limits on women's mobility and free access to public spaces persists.

Nevertheless, limits on women's mobility and free access to public spaces persists, as they cannot move freely in public without a male relative accompanying them. In addition, the mission team met with a psychiatrist who alleged that much of the population in North Waziristan and South Waziristan—including a large proportion of women—is suffering from post-traumatic stress disorder. This is due to the ongoing conflict and militancy in the region. Allegedly, there is also a high rate of suicide among women. Reasons for committing suicide purportedly include genetic disorders, forced marriages and grief over the loss of missing family members. Women also allegedly face harassment at military checkpoints (although the political administration claims otherwise).

Rights of religious minorities

Khyber Pakhtunkhwa and parts of erstwhile FATA have long been home to various religious minorities, including Christians, Hindus, and Sikhs. However, these groups continue to face discrimination as they struggle for equal treatment and meaningful representation in Parliament. More alarmingly, their places of worship have been periodically attacked. In 2012, for example, the Paul Lutheran Church in Mardan was set ablaze by an angry mob during protests against an anti-Muslim film produced overseas.⁶ The following year, a suicide bomb attack at All Saints Church in Peshawar killed 127 people and injured more than 250 others. This was the deadliest attack on the Christian community in Pakistan's history.

The sizable Hindu community in Khyber Pakhtunkhwa is still subject to discrimination in education and hiring in government institutions, as well as hate speech propagated through school textbooks.

A member of the Christian community in Peshawar told HRCF that although he believed his community was guaranteed certain rights by the Constitution, in reality things were very different. He said that the PML-N government had offered the Christian community some development funds, but so far, they had not received any of the money.

⁶ Naheed Afridi ran on an Awami National Party ticket.

⁷ Malasa Bibi ran on a Jamaat-e-Islami ticket.

⁸ 'Innocence of Muslims' was a 14-minute short film written by an Egyptian-born US resident.

The Hindu community constitutes a sizeable religious minority in Khyber Pakhtunkhwa. Despite this, the community is subject to discrimination in education and hiring in government institutions, as well as hate speech propagated through school textbooks. Furthermore, no member of the Hindu community has been able to win a general seat in the Khyber Pakhtunkhwa Assembly. As a result, serious problems such as forced conversion are rarely discussed, as Hindu MPAs (elected on minority reserved seats) allegedly serve only the interests of their party rather than the interests of their community.

The Shia communities in Khyber Pakhtunkhwa are often victims of persecution. Violence escalated after 9/11 and the subsequent increase in Taliban influence, especially in Dera Ismail Khan. Most Shias moved out of Dera Ismail Khan to the neighbouring Punjab district of Bhakkar. The Kurram agency has a considerable Shia population—the Turi tribe is Shia while the Bangash tribe is partly Shia. The adjoining Orakzai Agency also has a considerable number of Shias.

Rights of transgender people

Despite the passing of the Transgender Persons (Protection of Rights) Act 2018, which gives transgender people the right to self-identify in government-issued forms of identification, the community continues to face discrimination in education, health and housing. In Khyber Pakhtunkhwa, they allegedly pay three times the rent of non-transgender persons. In addition, they are often turned away from hospitals, with doctors refusing to treat them. They also have limited economic opportunities.



Members of HRCP's mission meeting transgender persons in Peshawar

Perhaps most alarmingly, the community continues to be subject to extreme violence. For example, a transgender person interviewed by HRCP recounted her recent assault at the hands of three young men who beat her and shaved her head. Similarly, in June, a young transgender woman named Maya was allegedly killed by her own father and cousin after running away from home and seeking protection from the police. Police officers returned her to her family and she was later found dead. Her father has now been arrested.

Rights of detainees, missing persons and IDPs

As per official prison data from the provincial government of Khyber Pakhtunkhwa, there are at least five documented internment centres (in Kohat, Lakki Marwat and Malakand, and Paithom and Fizaghat in Swat).⁹ According to the President of the Peshawar High Court Bar Association, prior to the merger law enforcement agencies had the authority to arrest anyone without any due process and preventively detain them in an internment centre. He was aware of at least four internment centres (in Swat, Kohat, Mohmand and Miranshah).

Internment centres are operating in the region as a result of the Action (in Aid of Civil Power) Regulation 2011, which essentially allows provincial statutes to abrogate constitutional amendments. Post-merger, it remains unclear how many internment centres exist, how many people are detained in them, how internees are treated, and on what charges they are being held. Even more alarming is that recently the provincial government enacted legislation protecting Presidential Regulations like the Action (in Aid of Civil Power) Regulation 2011. The fact that these internment centres still operate in the tribal districts as well as some settled parts of Khyber Pakhtunkhwa is a clear violation of Pakistan's human rights obligations.

In addition to the grave situation of detainees in internment centres, there are gross human rights violations associated with enforced disappearances. The families of disappeared or missing persons continue to fight on their behalf to ensure that others' rights are not denied (namely the right to life, freedom from torture and right to due process). In Bannu, HRCP spoke with several relatives of missing persons, all of whom shared troubling stories about the mysterious circumstances under which their loved ones disappeared. One woman alleged that her son, a rickshaw driver, had been missing since 2008.

Post-merger, it remains unclear how many internment centres exist, how many people are detained in them, how internees are treated, and on what charges they are being held. That these internment centres still operate is a clear violation of Pakistan's human rights obligations.

Similarly, a young man who was an eyewitness to the incident in Kharqamar stated that his brother, a driver, has been missing since 2015. Another man claimed that his brother has been missing since August 2016, after he had an altercation with army personnel. Other interlocutors claimed that a large number of people went missing after Operation Zarb-e-Azb. These people are allegedly being held in jails in Bannu and Lakki Marwat. At times, authorities allegedly request bribes from the family members for their release, but take no action after receiving the money. Though not surprising, the lack of effort by police to solve these cases is extremely troubling.

HRCP also met with internally displaced women living in informal settlements in Bannu. One woman, Mumtaya Bibi, claimed that the government was not allowing her and her family to return to Madakhel, where they sold chromite. Mumtaya Bibi alleged that some people had gone back but were being prevented by the army from selling chromite, severely limiting their income. She also said that her young son had broken his leg 12 times due to lack of calcium but, as IDPs, she and her husband could not afford proper healthcare. Mumtaya Bibi's story is all too familiar and shows that IDPs are being denied their basic human rights.

The Pashtun Tahafuz Movement

The Pashtun Tahafuz Movement (PTM) has given a voice to the people of the tribal areas, who have suffered through decades of conflict, economic deprivation, militancy, and military intervention. Although it is primarily concerned with human rights, some people believe it has the potential to become a major political party. This seemed to be the sentiment of several people with whom the mission came into contact. The PTM's stance seems to have resonated with many people in the tribal areas, all of whom 'have a story' about being stopped or harassed at a military checkpoint. Essentially,

⁹ http://www.prisons.kp.gov.pk/?page_id=150

the PTM's demands are political in nature: They have called for measures to resolve the issue of forcibly disappeared persons, for the area to be cleared of landmines, for the right to exercise freedom of movement and peaceful assembly, and for a truth and reconciliation commission to be established to restore the confidence of the people of erstwhile FATA.

Despite its meteoric rise to prominence 18 months ago, and the support of two MNAs, i.e. Mohsin Dawar and Ali Wazir, members of HRCP in Peshawar told the mission that the movement has lost considerable momentum since January 2018. This is because of the state's massive crackdown on the PTM and its freedom of expression. In fact, the group has allegedly dissolved its district committees and people have become reluctant to openly support it outside of North Waziristan, which remains its largest base.

Several journalists alleged that stories about the PTM are not published unless they are favourable towards the state. They also claimed that the army has arrested journalists sympathetic to the PTM and, consequently, they have started self-censoring out of fear.

Media coverage of PTM activities is also severely limited. Several Peshawar-based journalists whom the mission spoke with alleged that stories about the PTM are not published unless they are favourable towards the state. They also claimed that the army has arrested journalists sympathetic to the PTM and, consequently, they have started self-censoring out of fear. Finally, the journalists claimed that the lack of reporting and transparency around PTM activities has led to a great deal of confusion and conspiracy theories about who is supporting the group (e.g. foreign forces, or perhaps Pakistan's own law enforcement agencies). They said that, if they were allowed to report on the PTM, it would give the public a clearer picture of the group's stance and origins.

The May 2019 incident at the Kharqamar checkpoint and the consequent arrests of MNAs Mohsin Dawar and Ali Wazir have again shone the spotlight on the PTM. This will be highlighted in the next section of the report.

Pre-Election Environment

Despite the challenges of transitioning from a decades-old, exclusionary set of laws and system of governance into one that extends fundamental rights and freedoms to the people of the tribal areas, the merger of FATA with Khyber Pakhtunkhwa can be considered a sign of democratic progress in Pakistan. Advancing the rights of the people of the tribal areas is a positive move and, indeed, one of those rights is the right to representation. Following the merger, it was announced that provincial elections would be held on 2 July 2019, although these were subsequently delayed and held on 20 July 2019.

However, restrictions on the freedoms of movement and of assembly during the pre-election period seriously undermined the fairness of the elections. There were also fears, based on how the 2018 general election unfolded, concerning the presence of army personnel inside polling stations and possible voter intimidation on polling day. The Kharqamar incident on 26 May 2019 and the imposition of Section 144 of the Criminal Procedure Code in both North and South Waziristan severely hampered the ability of candidates to canvass and conduct campaign gatherings and rallies. Although Section 144 was lifted in early July, just days before the election, the fact that it was imposed at all brings into question the overall fairness of the elections.

Restricted access hampers election campaigning

Many of the people interviewed by members of HRCP's fact-finding mission alleged that there was discrimination against independent candidates, candidates from religious parties, and candidates from other smaller political parties. They claimed that candidates of the ruling party Pakistan Tehreek-i-Insaf (PTI) had absolute freedom and permission from the armed forces to conduct their campaign activities and hold large public gatherings, while the activities of other candidates were suppressed under the pretext of security. Allegedly, there are photographs on social media showing candidates from the PTI campaigning in Mohmand district alongside army vehicles bearing the party's flags. One interlocutor whom the mission spoke to on 22 June said that "rather than election, it is selection; and we won't accept it."

"Rather than election, it is selection; and we won't accept it."
– Respondent during HRCP mission

The following day, the mission members met and spoke with independent candidates Jamal Dawar (PK-111) and Mir Kalam (PK-112), who are associated with the PTM. They claimed that the political administration had imposed Section 144 in North Waziristan two days before the second election announcement issued on 12 June, which is rather alarming. They also said that they could only meet with two or three people at a time, usually in mosques or hujras. After the Election Commission of Pakistan (ECP) issued a notice that the elections would be held under the supervision of the army, Mr Dawar and Mr Kalam doubted that they could contest under such circumstances.

They were worried that polling agents would not be able to enter polling stations and felt that the elections should be postponed. They also said that there was a lack of media and news coverage in North Waziristan and that the only access they had to information on the ground was through Voice of America radio. Media coverage in the newly merged districts is generally restricted and allegedly controlled by the army. Most gravely, they alleged that the administration was throwing its support behind ruling party candidates and coercing people to vote for them. This was verified by MPA Inayat Ullah of the Jamaat-e-Islami, who alleged that the administration was supporting the PTI in Bajaur. However, Mr Dawar and Mr Kalam both said that their struggle was not just against a single party, but against the entire system.



Members of HRCP's mission meeting with election candidates in Bannu

In addition to having their freedom of assembly restricted, some candidates including Naheed Afridi received anonymous threats warning them to suspend their campaigns. The District Police Officer advised Naheed Afridi to limit her movements. At the Peshawar Press Club, a group of journalists claimed that this advisory was later issued to several other candidates. They also said that the chairman of the Pakistan Peoples' Party was prevented from holding a campaign rally in Bajaur and had to change the location of the rally to Dera Ismail Khan.

During the mission, it became clear that there were certain 'no-go areas' for election candidates unless prior permission was sought and obtained from both the army and the administration.

During the course of the mission, it also became clear that there were certain 'no-go areas' that were off limits to candidates unless prior permission was sought and obtained from both the army and the administration. One area that came up in several conversations was Zaka Khel Bazaar, an hour-and-a-half drive from Landi Kotal in Khyber district. The area was reportedly cordoned off and a military checkpoint installed. The area is apparently dominated by 'good' Taliban, whom many interlocutors referred to and distinguished from 'bad' Taliban. However, it was alleged that 'good' Taliban in Zaka Khel Bazaar were influencing people to vote for the candidate of their choosing. On the other hand, the DC of Khyber claimed that the area is open and that several candidates had canvassed there. He further stated that it was essential to coordinate with the administration before travelling to Zaka Khel Bazaar, because of its proximity to Afghanistan.

Allegations of pre-poll rigging and concerns about the army

There were credible allegations of pre-poll rigging in favour of the ruling party, with claims that ruling party candidates were using government machinery, promising development funds and distributing PTI-issued health cards to influence votes in Bajaur. This claim was mentioned by several interviewees, including an MPA, members of the media, and members of HRCP based in Peshawar. This was leading to a perception in some newly-merged districts that if the locals did not vote for PTI, those districts would not receive development funds.

In addition, there were fears that there would be a repeat of the 2018 general elections and that army personnel would be deployed inside polling stations, directly or indirectly intimidating voters on Election Day. Members of civil society maintained that the army's presence during the election period and, potentially, on the day of the elections called into question the credibility of the entire process.

The Kharqamar incident

According to local people the mission spoke to—including Zakimullah, an eyewitness whose uncle and brother died at Kharqamar—the military conducted an operation in the village of Doga Macha Madakhel in the days leading up to the incident. In the clash that ensued, a young man was arrested and his elderly mother's arm was fractured. Thus, there was already significant tension between the army and the local population, who often held peaceful protests during the month of Ramadan (which started in early May).

When asked as to why the military conducted the operation in Doga Macha Madakhel, some of the mission's interlocutors alluded to military/security forces exploiting the area's mineral resources. Some also claimed that locally produced chilgoza was being monopolised by the security forces, preventing the locals from selling and benefitting from this product. Allegedly, growers are required to sell their produce to certain shops without actually having any reason or justification for doing so and they are not allowed to sell chilgoza in the open market. The economic circumstances cited as the main factor contributing to the Kharqamar incident are, incidentally, common to both FATA and PATA.

On 26 May, the people of Doga Macha Madakhel and surrounding villages invited the local tribal chief of Waziristan, Dr Gul Alam, along with MNAs Ali Wazir and Mohsin Dawar, to participate in their peaceful protest. At around 9:00 am, as they were preparing to greet the guests at the Kharqamar checkpoint, the army started firing on them. A total of 14 people were killed (10 of them from Doga Macha Madakhel). The army immediately imposed a curfew in the area, leading to the deaths of another two people who died because they could not get to hospital.

On 26 May, the people of Doga Macha Madakhel and surrounding villages invited the local tribal chief of Waziristan along with MNAs Ali Wazir and Mohsin Dawar, to participate in their peaceful protest. At around 9:00 am, as they were preparing to greet guests at the Kharqamar checkpoint, the army started firing on them. A total of 14 people were killed.

In the aftermath of the incident, the army kept the dead bodies for two days. The bodies had allegedly been treated with a chemical that prevented the family members from washing them in accordance with Islamic funeral rites. One interlocutor mentioned that he had pictures and video evidence of this and even offered to show it to the mission members. It was also alleged that the army and Chief Minister offered compensation money to the families, apparently on the condition that they agreed to claim that Mohsin Dawar and Ali Wazir incited the crowd to protest that day. They refused to do so and rejected the compensation money.

MNAs Mohsin Dawar and Ali Wazir were arrested after the incident, allegedly at the behest of the army, and taken to prison in Peshawar. At the time of writing this report, we learned that both men had been transferred to a facility in Haripur. This facility has been designated a high-security prison for terrorists and other dangerous criminals. It is overseen by the army and intelligence agencies, not the civilian administration. The fact that two elected representatives of the National Assembly are being held alongside terrorists in a facility that is hours away from the district in which they were charged (despite knowing that they are expected to appear in court in Bannu), and where it is difficult for their family members to gain access to them, is extremely disturbing.

According to family members of Mohsin Dawar, none of the protestors at Kharqamar were armed as the Pashtun Tahafuz Movement does not engage in violence. Mohsin Dawar's relatives told HRCP that there was video footage showing the army firing at the crowd, but said they did not know why the army did so. They also said that after the incident, Mohsin Dawar surrendered himself to the court in the presence of the political administration and a jirga that was constituted to investigate the incident (although jirgas are no longer allowed).

That two elected representatives of the National Assembly are being held alongside terrorists in a facility that is hours away from the district in which they were charged, and where it is difficult for their family members to gain access to them, is extremely disturbing.

Meanwhile, Ali Wazir's wife Saira Nawaz is allegedly being prevented from visiting her husband in jail (at the time of writing this report). Saira Nawaz supports her husband and his political stance and does not believe that it is against the state in any way. She has allegedly rejected calls for political manoeuvring to expedite Wazir's release, insisting that he has done nothing wrong and wants to face the charges levelled against him. She also told the mission members that media coverage of the incident is largely false and that Wazir did not attack any army personnel, as was being reported.

The Provincially Administered Tribal Areas

In comparison to the FATA-Khyber Pakhtunkhwa merger, the integration of the Provincially Administered Tribal Areas (PATA) into the rest of the province appears to have been far smoother, if reports from Swat are anything to go by. Interlocutors in Swat told HRCP mission members that courts in the region are operating in accordance with the new laws and there are no significant issues with peoples' access to them. They also said that the army presence has decreased since the civilian administration took charge during the previous year's general election and that people had returned to the villages that were once under Taliban control. Schools have been rebuilt, a women's university is under construction and the University of Swat has reopened. The standard of healthcare and health facilities has also improved and there is active recruitment of doctors in government hospitals. Although corruption is still an issue, several interviewees praised the provincial government's efforts to uplift the region.

Respondents said that army presence had decreased since the civilian administration took charge during the previous year's general election and that people had returned to the villages that were once under Taliban control.

Elsewhere in the PATA regions, there is reported uncertainty over the application of laws previously not extended to PATA, for example the Right to Information Act. There was no 'saving clause' in the 25th Amendment to protect the existing laws but a state of flux exists in the absence of clear implementation guidelines for the newly-applicable laws (e.g., thus far no designated official has been appointed as specified under the Right to Information Act).

Post-Mission Update on the Elections

The first-ever elections in the newly-merged districts of Khyber Pakhtunkhwa took place on 20 July 2019. In preparation for the elections, the Election Commission of Pakistan (ECP) set up 1,897 polling stations across the region. According to data from the ECP, 285 candidates contested the election.

HRCP deployed 18 observers on the day of the election. The observers noted that voter turnout was relatively low, but still decent. Polling started at 8:00am amid tight security and continued until 5:00 pm, although voters who were still inside polling stations at 5:00 pm were allowed to cast their ballots past the deadline. According to HRCP observers, vote counting was conducted smoothly in the presence of political party agents, with no complaints of irregularities.

It was reported in *Dawn* that an incident of violence occurred at a polling station in PK-103 (Mohmand-I). According to the newspaper report, supporters of opposing political parties exchanged fire and two men were injured.¹⁰ In addition, according to the HRCP observer Mr Shah, a remote-controlled bomb exploded at an army checkpoint in Boya tehsil, North Waziristan and two soldiers were seriously wounded and had to be taken to the nearest hospital. It should be noted that HRCP is not aware of the latter incident being covered by the media.

On 22 July 2019, HRCP issued a press release¹¹ in which it expressed its overall satisfaction with the way the elections were conducted. However, it also urged the ECP to investigate allegations from some candidates of manipulation in Bajaur and South Waziristan. HRCP also hopes that independent observers and the media will be given easier access in future to allow elections to be carried out as transparently as possible.

The following table, based on ECP data, shows the voting status in the newly merged districts.

District	Constituency	Registered Voters			Polled Votes			Rejected Votes
		Male	Female	Total	Male	Female	Total	
Bajaur	PK-100 (Bajaur-I)	94,937	61,300	156,237	39,660	12,638	52,298	1,230
	PK-101 (Bajaur-II)	94,349	66,698	161,047	35,454	11,733	47,187	829
	PK-102 (Bajaur-III)	125,358	91,361	216,719	46,654	20,962	67,616	1,255
Mohmand	PK-103 (Mohmand-I)	68,472	42,008	110,480	27,781	12,267	40,048	737
	PK-104 (Mohmand-II)	106,749	63,273	170,022	35,869	12,187	48,056	492
Khyber	PK-105 (Khyber-I)	94,514	72,970	167,484	30,495	15,403	45,898	921
	PK-106 (Khyber-II)	82,818	65,652	148,470	26,320	8,480	34,880	486
	PK-107 (Khyber-III)	123,683	92,450	216,133	31,297	64,098	95,395	424
Kurram	PK-108 (Kurram-I)	99,534	73,363	172,897	29,591	15,913	45,504	1,160
	PK-109 (Kurram-II)	105,284	82,560	187,844	41,772	33,536	77,308	1,075
Orakzai	PK-110 (Orakzai)	110,741	85,695	196,436	30,769	16,537	47,306	470
North Waziristan	PK-111 (NW-I)	92,845	48,208	141,053	30,799	6,244	37,043	236
	PK-112 (NW-II)	117,811	61,313	179,124	31,910	4,470	36,380	389
South Waziristan	PK-113 (SW-I)	122,197	96,638	218,835	24,955	10,363	35,318	485
	PK-114 (SW-II)	115,572	52,422	167,994	30,428	7,616	38,044	765
Six FRs	PK-115 (Ex-Frontier Regions)	116,444	74,618	191,062	310,400	15,780	326,180	893
Total		1,671,308	1,130,529	2,801,837	803,654	268,327	1,071,981	11,747

¹⁰ <https://www.dawn.com/news/1495174>

¹¹ <http://hrcp-web.org/hrcpweb/erstwhile-fata-elections-a-milestone/>

Conclusion and Recommendations

The historic integration and mainstreaming of FATA and parts of PATA into Khyber Pakhtunkhwa is a welcome step in rule of law and the spreading of democracy and human rights to all Pakistanis. However, obstacles and delays in implementation must be addressed at both the national and provincial levels. It is no small task to extend constitutional rights to the people of the tribal areas for the first time in over 70 years, and some resistance to the merger is to be expected as old and familiar customs are done away with and new laws are established. The state's lack of consultation with local stakeholders prior to the merger is particularly egregious and may account for some of the resistance and suspicion concerning the state's intentions. The government must do more to win over the tribal people and deliver the positive aspects of the merger. Along the way, it must shed its colonial mind-set towards the people of the region and realise that it can no longer treat them as second-class citizens.

The holding of provincial elections in July 2019 seemed to indicate the state's earnestness regarding the merger and mainstreaming of the tribal areas, but the army's continued presence in the region, along with the imposition of Section 144, seriously calls into question the fairness of the election process. Similarly, the Kharqamar incident, the arrests of MNAs Mohsin Dawar and Ali Wazir, and the crackdown on the PTM are matters of grave concern, given the lack of transparency on the part of the authorities and the fact that active measures have been taken to block and censor any other version of the events.

The government must do more to win over the tribal people and deliver the positive aspects of the merger. Along the way, it must shed its colonial mind-set towards the people of the region and realise that it can no longer treat them as second-class citizens.

Finally, there are also concerns about the overall situation regarding human rights. Missing persons, IDPs, women, religious minorities and the transgender community continue to face discrimination and violations of their human rights—the situation does not appear to have changed much since the merger. Clearly, social transformation cannot occur overnight, but it is hoped that more will be done to improve the plight of these vulnerable groups.

Based on the above, the HRCF fact-finding mission has made the following recommendations:

- In order to ensure fundamental rights and freedoms for the people of erstwhile FATA—rights that have been denied until now—the state needs to address serious gaps in the judicial system. As courts and new legal procedures are being established, access to justice is paramount.
- To ensure the success of the merger, the military must facilitate and cooperate with the civilian authorities. The supremacy of civilian rule should not be compromised.
- For the merger to be truly successful and democratic, local leadership needs to be cultivated and strengthened. Entrenched elites who benefitted from the old system, to the detriment of the local population, must not be allowed to dominate in the new system.
- As elected representatives, MNA's Ali Wazir and Mohsin Dawar should be allowed to attend Parliament.
- Given the continued crackdown on the PTM, it is essential that the state uphold the rule of law.
- The continued harassment and intimidation of Pashtun human rights defender Gulalai Ismail and her family must cease. The right to peaceful dissent among civil society must not be curtailed.

The following additional recommendations were also made:

- Presidential Regulations such as Action (in Aid of Civil Power) 2011 and FATA Interim Governance Regulation 2018, enforced in the erstwhile tribal areas through executive orders and still in use, should be revised. Inconsistencies with basic, constitutionally guaranteed rights should be removed. Further, as the Khyber Pakhtunkhwa Assembly now has members from the tribal districts, revisiting these Regulations should be left to the provincial legislature rather than the executive authority.
- Internment centres, set up under executive orders in the erstwhile tribal areas and elsewhere in Khyber Pakhtunkhwa, should be converted into regular jails governed by jail manuals and relevant laws.
- As a natural consequence of the merger, local body elections in erstwhile tribal areas should be held at the same time as elections in other parts of the province, under the same Local Governance Act.
- In view of the conflicting reports and deep resentment amongst the locals over the Kharqamar incident—and to allay the concerns of the people—an impartial judicial investigation should be conducted. It is also necessary to devise a system to compensate the victims and thoroughly review the cases of those detained in the aftermath of the incident.
- During the interim period when law enforcement and police are still being developed in the newly-merged districts and it is necessary to deploy the military, the latter should refrain from using lethal means against civilians during protests to avoid further incidents such as the one at Kharqamar.

Glossary of Terms

Chilgoza

A kind of pine native to the north-western Himalayas including eastern Afghanistan, Pakistan and north-western India. Its nuts are harvested and sold.

Hujra

Literally, 'drawing room', but refers to the space (usually in a private home) where men gather to discuss social, political, and cultural issues.

Jirga

A tribal council made up of local male leaders.

Khasadar

Tribal police

Levies forces

A paramilitary law enforcement organisation—locally recruited but federally funded—operating in Balochistan and erstwhile FATA.

Malik

Tribal leader

HRCP's History of Advocacy on FATA

For many decades now, HRCP has been consistently vocal about the issues facing the tribal areas. On a range of platforms and media, HRCP has held press conferences, released reports—including its annual reports—and conducted fact-finding missions to advocate for human rights for the people of FATA. Its earliest engagement began in 1992. Over the years, as an organisation HRCP has raised awareness about the draconian nature of the FCR, the parallel legal system of jirgas and the fact that constitutional rights were not being extended to the tribal people. HRCP has also drawn attention to the ongoing conflicts and militancy in the region and the loss of life and property that has ensued (especially in North Waziristan).

HRCP has also drawn significant attention to the internal displacement crisis in FATA and other parts of the country. In October 2010 it published a report, *Internal Displacement in Pakistan: Contemporary Challenges*, calling for a rights-based approach to protection and assistance for IDPs and effective solutions that go beyond emergency response. In 2014, after the military launched Operation Zarb-e-Azb in North Waziristan, a large number of families were displaced to Bannu, Khyber Pakhtunkhwa. HRCP sent a four-person fact-finding team comprising Muhammad Raza, Sardar Khizar, Tariq Siyal (HRCP members) and Nizam Dawar (Provincial Coordinator, National Human Network) to investigate the government's handling of the crisis and meet with affected communities. The team met with the Commissioner and Deputy Commissioner of Bannu, an Agency Coordinator at the FATA Disaster Management Agency, and several affected IDPs (including IDPs from religious minority communities).

1992

In April, HRCP held a four-day workshop for human rights activists from FATA and other parts of the country on minorities, women and children, media, labour, and issues specific to the tribal areas.

1994

Two years later, numerous tribal disputes were reported from the region. In the most serious incident, a land dispute in Parachinar, 11 people lost their lives. HRCP sprang into action and began highlighting the issue of tribal clashes.

1995

HRCP drew attention to the serious resistance to the anti-narcotics drive in FATA. The resistance came from the clergy, who coalesced under the banner of the Organisation of Unity of the Tribal Ulema.

1996

Following reports of around 40 incidents involving communal clashes and sectarian disputes in Parachinar, HRCP again took notice and asked for tolerance and understanding.

1998

In 1998, the President amended the Frontier Crimes Regulation on three separate occasions, with the objective of extending various laws to the region. HRCP supported and advocated for the extension of laws to FATA. In addition, HRCP expressed grave concern over the TTP publicly executing a young man, Khial Ghaffar, in Orakzai Agency.

An HRCP spokesperson said that as FATA was a part of Pakistan under the Constitution, it was the government's responsibility "to ensure the implementation of the law of the land". In December, HRCP also condemned the decision of political authorities in Mohmand Agency to demolish the homes of alleged criminals and militants as one of the worst forms of state terrorism. HRCP Coordinator, Tariq Ahmad Khan, said that the government was using the FCR as a foil to "harass and victimise innocent people" and punish its political opponents.

1999

HRCP called for the administration of justice in FATA. The denial of fundamental rights to the tribal people was challenged in the Peshawar High Court. The petitioners also assailed the continued application of the Frontier Crimes Regulation.

In March, HRCP established an office in Jamrud, Khyber Agency to further promote human rights in FATA. A seminar on the local body elections in FATA was held in Teddy Bazaar. In his address, HRCP Vice Chairperson Afrasiab Khattak said the plea of HRCP was not a new one and that the tribespeople had demanded the same of the British under Ghazi Ajab Khan, Faqir Ipi and others. Despite 50 years of freedom, the tribal people were still deprived of basic rights such as health, education, and the right to vote. He also said the office would provide a platform where they could meet two or three times a month and strategize for the future.

In April, HRCP called for an end to the military operation in Mohmand Agency and the formation of a judicial commission to investigate the events that unfolded there when four policemen were killed, 52 people were arrested and 25 homes were burned to the ground in alleged reprisal attacks by the police and militia forces.

2000

HRCP sent a team to Bajaur Agency to investigate the danger of landmines in the area. According to the team's report, 56 people died in landmine incidents (including 12 women and 14 children) between July 1985 and June 2000.

2001

HRCP voiced alarm over conditions in refugee camps where food and water shortages were reported.

2002

Following reports of 40 deaths in refugee camps along the Afghan border during the winter, HRCP raised concerns about the harsh conditions faced by refugees and displaced persons—including exposure to the elements in severe weather.

2004

HRCP highlighted the lack of transparency in governance of the tribal areas. For example, residents of FATA were not informed about

the precise nature or targets of a military operation in Wana, South Waziristan.

2005

HRCP published a report on the FCR, pointing out that after more than half a century after Pakistan's independence, the tribal areas were still being ruled through an outdated, colonial-era administrative and legal system. In December, HRCP demanded equal social, economic and political rights for the people of FATA.

2007

HRCP drew attention to the reported killings of hundreds of alleged militants and abduction of troops, intelligence agents and other government officials in the tribal areas.

2008

HRCP highlighted the issue of registered Afghan refugees. At least 282,496 refugees were repatriated to Afghanistan and 600,000 displaced by conflict in FATA, while 5,000 refugees were given three days to leave Bajaur Agency.

2009

In January, an HRCP delegation (led by HRCP's late co-founder Asma Jahangir) met with the Governor of Khyber Pakhtunkhwa, Owais Ghani, to discuss terrorist activity in the FATA region. After the meeting, Ms Jahangir stated that it was not a law and order situation but a veritable ideological insurgency.

The total number of militants in the region was said to be about 15,000, and they were allegedly being paid to carry out their activities. The question of merging FATA with Khyber Pakhtunkhwa was also discussed, but Mr Ghani said that the provincial government would not have enough money to bring FATA on a par with the rest of the province in terms of development.

In February, HRCP held an on-camera briefing with FATA Additional Chief Secretary Habibullah Khan. Talking to the media about the briefing, HRCP Secretary-General I. A. Rehman said that the insurgency in FATA

had a number of causes, chief among them neglect by the state over the past 30 years.

In September, HRCP asked the government to take meaningful steps to prevent loss of life and property of the tribal people in raids by US-led coalition forces in neighbouring Afghanistan.

In its publication *Recommendations on Constitutional Reforms*, HRCP recommended that Parliament either hold consultations with the residents of FATA to discuss merging it with the rest of Khyber Pakhtunkhwa (then known as the North-West Frontier Province), or grant it its own status as a province.

2010

In March, while conducting a broad review of the human rights situation in the country, the HRCP executive body met in Lahore and expressed alarm over increasing anarchy. In the meeting, Asma Jahangir warned that "if not addressed in time, this may develop into a full-blown humanitarian crisis, adversely impacting the war against terror". She further stated that the authorities "need to seriously address numerous complaints about the discriminatory nature of registration of internally displaced persons being used by security forces as a tool to strike deals with certain communities".

2011

In April, HRCP issued its annual report, stating that US drone attacks had killed 957 people in Pakistan in 2010. The CIA-sponsored drone campaign was highly controversial on humanitarian grounds. HRCP publicly condemned the drone attacks for violating the country's sovereignty and being counterproductive in the campaign against militants.

In May, HRCP Chairperson Syed Iqbal Haider visited a protest camp of Parachinar students in front of Islamabad Press Club. He praised the students for their determination.

In July, HRCP called upon the government to take urgent steps to assist people forced to flee their homes because of army operations against militants in the tribal areas. HRCP

called on the government to take urgent steps to assist the citizens who were forced to leave. HRCP also expressed concern over the fresh wave of internal displacement reported from Kurram Agency and urged the government to concentrate its efforts on preventing displacement from occurring in the first place.

In August, HRCP condemned the abduction of Rehmatullah Darpakhel, a journalist from Miranshah in North Waziristan. HRCP called upon authorities to take measures to address the threats to journalists' safety and end impunity for violence against them.

In December, HRCP Khyber Agency Coordinator Zarteef Khan Afridi was shot dead by motorcyclists in a targeted attack. HRCP condemned the killing and painted a bleak picture of human rights campaigns in the region. An official of HRCP told *The Express Tribune* that another one of its activists was recently forced to seek political asylum in the UK, while those from Mohmand, Bajaur, and North and South Waziristan were living outside the tribal areas due to the security situation.

2012

In January Azmat Alizai, HRCP Coordinator for Kurram Agency, addressed the Shaheed Bhutto Foundation in Parachinar concerning the Frontier Crimes Regulation. He pointed out that it was still being used, contrary to presidential orders. He also highlighted the underdevelopment and infrastructure issues plaguing Upper Kurram.

In February, HRCP held consultations with stakeholders in Peshawar in an attempt to push for reforms to mainstream FATA. Participants recommended that the government hold consultations with the tribal people and other relevant stakeholders. HRCP's Sher Muhammad Khan presided over the consultation.

Asma Jahangir said it was "high time to have clear vision about the status of FATA; either to declare it an independent province or merge it with Khyber Pakhtunkhwa". HRCP Secretary-General I. A. Rehman said the amended FCR still contained inhumane sections regarding economic blockade of

hostile and unfriendly tribes, imposing collective punishment, and bulldozing houses of tribal people.

In March, HRCP voiced alarm over the deteriorating state of human rights across the country and emphasised the need for all actors and institutions to address urgent issues and respect and strengthen the political process. In addition, HRCP held an event at Girls' College Parachinar on International Women's Day.

2013

In January, HRCP condemned the killing of around 20 civilians in Bara Tehsil, Khyber Agency. HRCP welcomed the fact that a judicial probe had been ordered but demanded an independent and impartial investigation into the claims made by the bereaved families that the deceased were killed by security forces personnel.

In addition, HRCP brought attention to the need to keep children in school in Sadda Tehsil and other areas of Parachinar. It also condemned a bombing at Jalozai IDP Camp in Nowshera which left 17 people dead. HRCP's then Chairperson Zohra Yusuf said that the government should make adequate provisions to ensure speedy rehabilitation of all the IDPs.

HRCP also condemned the murder of Malik Mumtaz, a journalist based in Miranshah. HRCP stated that the murder was part of the disturbing trend of increasing violence against journalists and the fact that Mumtaz was the fifth journalist killed in the first two months of 2013 highlighted the dangers and threats faced by journalists. HRCP called upon the government to bring the culprits to justice and take all necessary measures to guarantee the safety of journalists.

In April, HRCP released its annual report, in which it strongly condemned the carrying out of 48 documented drone strikes in FATA in 2012 alone.

2014

In May, HRCP released its annual report, again highlighting drone attacks in FATA. In

2013, a total of 31 drone strikes killed 199 people in the FATA region.

In June, HRCP called for more efficient arrangements to be made for IDPs, highlighting the need for special measures for displaced women and children. Expressing concern at the hardships being faced by the people displaced by the military operation in North Waziristan, HRCP called for meaningful cooperation between the authorities and civil society organisations. HRCP also welcomed the Prime Minister's decision to visit IDPs in Bannu.

In July, an HRCP delegation met with SAFRON officials in Islamabad to discuss the conditions of IDPs in North Waziristan. Then, in September, a four-person fact-finding team went to Bannu, where most displaced families were staying, to meet with the commissioner, DC and IDPs themselves.

In October, HRCP expressed concern about the absence of clarity and direction in dealing with the many pressing crises confronting the state, including enforced disappearances, the cost of living, and the anti-polio campaign. Also in October, HRCP praised the role of Peshawar High Court in tracing over 1,990 missing persons and suspending the Governor's decision to freeze development schemes in FATA.

In December, HRCP called for an investigation into the deaths of six people whose bodies were found in Yake Ghund, Mohmand Agency.

2015

In April, HRCP expressed concern about creeping militarisation of civilian authority and how it was damaging the democratic system and adversely affecting human rights and fundamental freedoms, which were being restricted under the guise of security. HRCP called attention to the lack of transparency in the military operations in FATA. It further said that it was vital for the government to officially document civilian casualties, introduce protocols to minimise risks and loss of life, and pay compensation to bereaved and affected families.

In August, HRCP held an event highlighting the issue of missing persons and showed serious concern over the number of missing persons from FATA.

In September, HRCP held a consultative dialogue to identify common avenues for the promotion of peace and sectarian harmony between different Muslim sects. The event was attended by more than 40 religious scholars and academics from locations including Lahore, Multan, Karachi, Quetta, Peshawar, Akora Khattak, Karak, Kurram Agency, Khyber Agency and others.

In November, HRCP expressed its sorrow over the killing of Zaman Mehsud, an HRCP volunteer in South Waziristan, in a drive-by shooting in Tank.

2017

In February, HRCP expressed grave concern over instances of apparent racial profiling and stereotyping by authorities in their attempts to clamp down on militancy and terrorism in Punjab. In a statement HRCP said that it was "aghast at the administration in at least some districts of Punjab issuing formal or informal orders, asking the population to keep an eye on suspicious individuals who look like they are Pashtun or are from FATA, and to report any suspicious activity by them."

In November, HRCP expressed alarm over an incident in which a local peace committee in Wana issued a ban on virtually all sociocultural activities in the region. This included preventing women's freedom and movement outside the home unless they were accompanied by a male and prohibiting locals from using public spaces after 10 pm. HRCP was also alarmed over previous reports of an undeclared military operation unfolding in the villages of Shaktoi, Smaal, and Bobarh villages in the Ladha area of South Waziristan.

2018

In February, HRCP called upon the federal government to take notice of the ongoing protest by the people of Waziristan in Islamabad. In a statement the Commission said: "HRCP is dismayed at the 'apathy' of

the federal government towards the people of Waziristan, hundreds of whom have been protesting in Islamabad since 1st February".

It further said that the murder of Naqeebullah Mehsud by the police in Karachi in a fake encounter on 13 January had "stirred up grievances of Pashtuns in general and of the people of FATA in particular" and "HRCP has always maintained that it is imperative that Pakistan ensures due process of law for all of its citizens as per its obligations under the Constitution".

In April, the Pashtun Tahafuz Movement (PTM) demanded the formation of a 'truth commission' to investigate extrajudicial killings and enforced disappearances during a rare show of power at Lahore's historic Mochi Gate. HRCP's Hina Jilani addressed the crowd, calling for the release and return of all missing persons.

In May, HRCP demanded the government investigate the attack on two girls' schools in North Waziristan. According to reports in the media—verified independently by HRCP sources—the school buildings were damaged in two separate bomb explosions on 7 May and 9 May. Residents also reported that a militant group had been distributing pamphlets warning them not to send their 'grown-up' daughters to school.

The local administration was unwilling to confirm these incidents, but HRCP sources indicated that residents of North Waziristan were concerned about the re-emergence of militant groups in the area. Also in May, HRCP strongly condemned the authorities' clampdown on activists associated with the PTM just days before members of the group were scheduled to hold a rally in Karachi.

In the same month, HRCP held a consultation to discuss the nature of violence and other human rights violations against displaced and refugee women and girls in FATA, Khyber Pakhtunkhwa and Gilgit-Baltistan. HRCP member Tahira Abdullah said that the FATA reforms report prepared in 2014 was contradictory to the ground realities regarding the plight of women and girls in the region.

HRCP member Senator Farhatullah Babar said that FATA must be open to all people after the repatriation of the IDPs and that parliamentary delegations should be allowed to visit. He said the “government must facilitate in establishing sub-offices of the National Commission on the Status of Women and the National Commission on Human Rights in FATA to end its ‘black hole’ status.”

In June, HRCP expressed grave concern over reports that at least three people were killed and 20 injured when assailants opened fire on a PTM demonstration in Wana on 3 June. HRCP also organised a roundtable in Islamabad on the bureaucracy’s extensive role in post-merger FATA. It was highlighted that the FATA Interim Governance Regulation 2018 did not acknowledge the jurisdiction of the Supreme Court or even the Peshawar High Court, as judicial powers were instead granted to Deputy Commissioners. It also did not recognise local governments in any capacity, even though they had been provided for under the law and constitutional amendments.

2019

In May, after members of PTM apparently clashed with military personnel in North Waziristan, HRCP issued a press release expressing alarm at the use of military force causing the deaths of at least three PTM activists. HRCP feared that this would further escalate tensions between PTM supporters

and security institutions, leading to a permanent wedge between the state and the people of the tribal areas, which would in turn be detrimental to the interests of the country and all its citizens.

In the same press release, HRCP demanded the release of MNA Ali Wazir, who was present and arrested after the incident, along with any other persons taken into custody. HRCP also called for a parliamentary commission to investigate the matter and for the state to seriously address the grievances of the local population as well as allow the media and civil society to have independent access to erstwhile FATA.

In June, HRCP tried to send a fact-finding mission to erstwhile FATA to study the pace and impact of the FATA-Khyber Pakhtunkhwa merger. However, the mission members—including Uzma Noorani (HRCP Co-chairperson), Salima Hashmi (Vice-chairperson, Punjab) and Farhatullah Babar (former Senator and HRCP member)—were prevented from entering North Waziristan.

On 22 July, two days after provincial elections were held for the first time in erstwhile FATA, HRCP expressed its overall satisfaction with the way the elections were conducted. Nonetheless, given the allegations of manipulation made by some candidates in Bajaur and South Waziristan, HRCP urged the Election Commission of Pakistan to investigate any such complaints fairly and transparently.