

REFORMING PAKISTAN'S POLICE

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REFORMING PAKISTAN'S POLICE

EXECUTIVE SUMMARY AND RECOMMENDATIONS

After decades of misuse and neglect, Pakistan's police force is incapable of combating crime, upholding the law or protecting citizens and the state against militant violence. With an elected government taking over power after more than eight years of military rule, the importance of reforming this dysfunctional force has assumed new importance. Elected representatives will be held accountable if citizens continue to see the police, the public face of government, as brutal and corrupt. The democratic transition could also falter if deteriorating security gives the military a new opportunity to intervene, using, as it has in the past, the pretext of national security to justify derailing the democratic process on the grounds of good governance. Major reforms and reallocation of resources are required to create an effective and accountable police service.

President Pervez Musharraf claimed national security and the need to strengthen democracy justified his 1999 coup. Police reform was to form a part of the military government's devolution scheme, the centrepiece of Musharraf's ostensible reform agenda. He replaced the colonial-era legislation, the Police Act of 1861, which had governed the functioning of the police since independence, with the Police Order 2002. Devised after consulting senior serving and retired police officers, that order, if properly implemented, could have been an important step towards reforming a dysfunctional organisation. Yet, like other pledges of good governance made by Musharraf and his military-led government, police reform was sacrificed for political expediency.

Amendments to the Police Order have watered down provisions that held some promise of reform, including mechanisms for civilian accountability and internal discipline, as well as guarantees for autonomy and safeguards against political interference in the posting, transfer and promotion of police officials. Six years after the Police Order was promulgated, very few public safety commissions,

supposedly the cornerstone of the accountability process, were even established, and those that existed lacked enforcement mechanisms. The police remained a political pawn, with transfers and promotions used to reward those willing to follow orders, no matter how illegal, and to punish the few professional officers who dared to challenge their military masters.

The new civilian government has inherited a police force with a well-deserved reputation for corruption, high-handedness and abuse of human rights, which served the military well for over eight years, suppressing Musharraf's civilian opposition and more than willing to accept any task – from extrajudicial killings and torture to rigging elections. With public confidence in the police at an all-time low, reform will be difficult and require time, patience and resources, yet it is a task the new governments at the centre and in the provinces will ignore at their peril, as militant violence reaches new heights.

The police and civilian intelligence agencies are far more appropriate for counter-insurgency and counter-terrorism operations than a military trained to combat external enemies. The police and the intelligence agencies under police control must be given the resources needed to tackle internal threats and crime. The international community, particularly the U.S. and the European Union (EU), should realise that helping the police and civilian intelligence agencies with training and technical assistance would pay counter-terrorism dividends. However, the Pakistan government should not just increase financial support and police numbers but also enact tangible organisational and political reforms. Political appointments must end; postings, transfers, recruitment and promotions must be made on merit alone; the recommendations of police managerial bodies must be given due weight, and emphasis placed on the police serving and protecting citizens.

Above all, democratically elected rulers must resist the temptation to use the police for political, partisan ends. While they are under no compulsion to retain the Police Order, they must ensure that its replacement is not merely a change of name. They must realise that security of their constituents and their own governments will be best ensured by a police force that is professionally run, well trained, adequately paid and operationally autonomous. If it is still used for political ends, the police force may well be damaged beyond repair, at great cost to the peace in Pakistan.

RECOMMENDATIONS

To the Government of Pakistan:

1. Give the police and their affiliated intelligence organisations primary responsibility for internal security and greater capacity to do the job by:
 - (a) increasing the numerical strength of the police;
 - (b) promoting specialisation, particularly in the areas of forensic science and cyber crimes;
 - (c) strengthening the counter-terrorism wings of the Federal Investigation Agency (FIA) and the Intelligence Bureau (IB) and making the IB the country's premier intelligence agency;
 - (d) abolishing the political wing of the Inter-Services Intelligence Directorate (ISI) and removing it from military control; and
 - (e) withdrawing the Pakistan Rangers and other paramilitary organisations from internal security functions, replacing them by the police.
2. Rebuild morale, reduce corruption and increase efficiency by:
 - (a) removing corrupt, inefficient or politically biased officers from senior positions and positions of authority over the police;
 - (b) increasing salaries, particularly of those at the bottom of the hierarchy;
 - (c) allocating more funds for improving facilities and securing the welfare of police rank and file and their families, and ensuring that increased allocations are spent on better housing and transport facilities for the rank and file, rather than the well-being of senior officers; and
 - (d) providing meaningful pensions to the families of police officers killed in the line of duty and publicly recognising acts of bravery.
3. Settle, in the long-term, the legal status of the Police Order by:
 - (a) placing the order before the national parliament for detailed debate and review;
 - (b) establishing a parliamentary subcommittee to examine provisions in greater detail and provide recommendations;
 - (c) sending the order to the provinces for further debate, review and recommendations;
 - (d) seeking the feedback of serving and retired police officials, as well as informed members of civil society; and
 - (e) evolving a national consensus on how to make the police a disciplined, efficient, modern, non-partisan, service-oriented and transparent institution and framing statutory legislation based on that consensus, instead of indefinitely extending a presidential ordinance.
4. Undertake, as an immediate first step, to make the police more accountable by:
 - (a) setting up a parliamentary subcommittee on policing under the National Assembly's Standing Committee on the Interior;
 - (b) empowering the public safety commissions meaningfully by devising stringent enforcement mechanisms for police accountability;
 - (c) making the selection of independent members of the commissions completely transparent;
 - (d) maintaining parity between government and opposition members on the commissions; and
 - (e) separating police complaints authorities from public safety commissions, thus enabling them to perform their distinct roles.
5. Protect the police from political manipulation by:
 - (a) making the appointment of senior police officials subject to the recommendation of the relevant public safety commission;
 - (b) mandating the approval of the relevant public safety commission for premature transfers of senior police officials; and
 - (c) withdrawing the power of the district chief nazim (mayor) to write the district police officer's annual performance evaluation report.
6. Improve police performance and redress public grievances by:
 - (a) empowering managerial bodies like the National Public Safety Commission, the National

- Police Management Board and federal and provincial police complaints authorities;
- (b) facilitating the implementation of genuine community policing through Citizen Police Liaison Committees consisting of representatives of civil society, including academics, lawyers and human rights activists, with meaningful female representation; and
 - (c) appointing an independent police ombudsman to investigate serious cases of police abuse, including custodial deaths and sexual offences against female prisoners.
7. Ensure greater female presence in the police by:
- (a) increasing the number of female police stations and cells for women detainees in regular police stations; and
 - (b) authorising women police officers to register and investigate cases and improving their standards of training.
8. End military interference in police affairs by:
- (a) abolishing the military's 10 per cent reserved quota of positions in the police;
 - (b) removing serving and retired military personnel from police positions, including in the

police-run intelligence agencies such as the Intelligence Bureau (IB); and

- (c) replacing the National Accountability Bureau (NAB) with the Federal Investigation Agency (FIA) as the primary anti-corruption body.

To the International Community, particularly the U.S. and the European Union:

- 9. Increase security-related assistance to and strengthen counter-terrorism capabilities of the police and civilian security organisations, including by equipping forensic laboratories – both existing ones and new ones that should be established – and assisting the computerisation of police records.
- 10. Institute and expand professional development programs for police officers.
- 11. Assist curriculum reform, and help modernise police training, with an emphasis on community policing techniques and procedures.

Islamabad/Brussels, 14 July 2008

REFORMING PAKISTAN'S POLICE

I. INTRODUCTION

Promulgating the Police Order, a presidential ordinance that formed part of his scheme to restructure local government, President Pervez Musharraf pledged to transform Pakistan's ill-disciplined, politicised and violence-prone police into an efficient, apolitical and service-oriented force.¹ Six years after the order was passed into law in 2002, the police remain inefficient, corrupt and brutal. While law and order has rapidly deteriorated, police excesses and crimes have sharply risen. In 2007 alone, the independent Human Rights Commission of Pakistan (HRCP) recorded 147 cases of police torture and 65 deaths in custody.²

Until the Police Order was introduced, the Police Act of 1861, a colonial legal instrument designed primarily to keep imperial India's subjects under check, determined Pakistan's police structures, administration and functioning. In 2002, many police officials, well aware of the faults of their organisation, had believed that the Police Order would indeed transform the force into a modern and disciplined body, which would serve and protect citizens.³ Six years after its promulgation, however, the Police Order remains a presidential ordinance, since Musharraf's parliament was either unwilling or unable to pass it into law. Absent parliamentary sanction, the scheme lacked credibility, hampering implementation. In any case, Musharraf massively amended the Police Order in 2004, undoing the proposed reforms before they had been put in practice.

As originally devised, the Police Order would have ensured civilian oversight and accountability. It also guaranteed the autonomy the police needed to main-

tain the peace and combat crime. Amendments diluted that autonomy and weakened mechanisms for civilian oversight and internal accountability. Deeply disappointed, many professional officers now believe that "the objectives behind the Police Order have not been achieved for the simple reason that the military regime never sincerely wanted to reform the police; for all intents and purposes, the old system remains in place with minor changes".⁴

As one officer put it, "so long as the ruler of the day treats the police as his personal militia, the police can never be reformed".⁵ This was certainly true of the military-led government. Following Musharraf's 1999 coup, the regime used the force for political ends. In 2007, Musharraf relied primarily on the police to crush political dissent, as he faced the most serious challenge to his power in the aftermath of the sacking of the chief justice of the Supreme Court. The police were once again the military-led government's coercive instrument of choice after the promulgation of martial law in November. In the run-up to national elections in February 2008 and on election day, too, the regime used the police against its political opponents.

While Musharraf relied on the police to counter political opposition, his government deprived the force of adequate resources – administrative, technical and fiscal. After almost a decade of neglect, it is not surprising that the police have proved incapable of maintaining internal security. Considered a soft target by extremists of every hue, scores of poorly equipped personnel have been killed in terror attacks, deeply demoralising the force.

This report, based on extensive interviews with current and retired police officers, analyses the existing system of policing, identifying flaws and proposing tangible ways of reform under the new civilian dispensation. It examines police functioning and service conditions and assesses the force's ability and potential to maintain law and order, counter growing extremist violence and eliminate terrorist threats to the state, to Pakistan's neighbourhood and beyond.

¹For a detailed analysis of Musharraf's local government scheme, see Crisis Group Asia Report N°77, *Devolution in Pakistan: Reform or Regression?*, 22 March 2004; and Crisis Group Asia Briefing N°43, *Pakistan's Local Polls: Shoring up Military Rule*, 22 November 2005.

²"HRCP terms 2007 as worst year in Pak history", *The Nation*, 31 March 2008.

³Crisis Group interviews, Islamabad and Lahore, November-December 2007.

⁴Crisis Group interviews, Lahore, December 2007.

⁵Crisis Group interview, Karachi, May 2008.

II. BACKGROUND

A. COLONIAL EXPERIENCE

In 1947, independent Pakistan had inherited a colonial system of policing. Devised in the aftermath of the Mutiny of 1857,⁶ an anti-colonial uprising, to deter future revolts, imperial India's rulers introduced the Police Act of 1861 by which the police's main function was to coerce, rather than protect, citizens. Law and order was to be maintained at any cost. The police had another function, the collection of land revenue. Both tasks were assigned to a single British civil service official in each district of every Indian province. Various known as the collector, district officer, deputy commissioner and district magistrate,⁷ that official presided over all criminal cases in his district. According to a senior Pakistani police official, this "illogical concentration of powers in one individual resulted in the realisation of revenue by torture and led to the commission of untold atrocities".⁸ Because locals could not be trusted, the British district magistrate controlled and supervised the district police.

Police functioning was also marred by dual controls over the force. Under the 1861 Police Act, an inspector general of police (IG) was the highest-ranking police officer in a province. Appointed by the central government, he advised the provincial government on all matters relating to police administration and the maintenance of law and order.⁹ At the district level, a superintendent of police (SP) was responsible for matters relating to the management of the force and the performance of all functions, including the detection, investigation and prevention of crime.

At the district level, the local police functioned under the IG's administrative, financial, organisational, professional and technical command, while under the district magistrate's operational control. In some provinces, the district magistrate directed police operations at the district level, his subordinate, the assistant commissioner, at the sub-divisional level, and his supe-

⁶In India and Pakistan, the Mutiny is known as the War of Independence.

⁷For the purposes of the Police Act of 1861, the terms deputy commissioner and district magistrate could be used interchangeably.

⁸Crisis Group interview, Islamabad, December 2007.

⁹Muhammad Shoab Suddle, "Reforming Pakistan Police: An Overview", 120th International Senior Seminar on "Effective Administration of the Police and the Prosecution in Criminal Justice", in "Annual Report 2001", United Nations Asia and Far East Institute for the Prevention of Crime, p. 97.

rior, the commissioner, at the divisional level. As a result, the police became, for all practical purposes, the coercive arm of the civil bureaucracy, with the IG and his deputies prevented "from supervising the force not only with respect to its capacity to maintain law and order" but also denied "autonomy in the realm of internal administration".¹⁰

B. STRUCTURE AND ORGANISATION

There have been no radical changes in the organisation of the police or the mechanisms through which they are governed since the founding of the country. Under the 1973 constitution, criminal law and procedure are included in the concurrent list – subjects that fall under the jurisdiction of the centre and the provinces, with the centre's legislation taking precedence over provincial law. Islamabad is only responsible for law and order in the Federally Administered Tribal Areas (FATA) and the Federally Administered Northern Areas. The federal government, however, controls a host of specialised police agencies. These include the Federal Investigation Agency (FIA), the Railway Police, the National Highways and Motorway Police, the Frontier Constabulary and the Islamabad Capital Police. The Intelligence Bureau (IB), the main civilian intelligence agency, also falls under the police service and reports directly to the prime minister.

Basic law and order responsibilities in the four federal units¹¹ are vested in their provincial governments. The police forces in the provinces act independently of each other, and there is no nationwide integration. However, the federal interior ministry exercises overall supervision. Senior police positions are filled from the ranks of the Police Service of Pakistan (PSP) cadre, a career service from which officers can be stationed in any part of the country or in agencies or ministries of the federal government. Recruitment to it is through an annual nationwide examination held by the Federal Public Services Commission from which other federal civil services, including the District Management Group (DMG), Customs and Excise and Income Tax, as well as the Foreign Service are recruited.¹² Members of the PSP are recruited as assistant superintendents of police (ASPs), following which they receive two years of training and serve for one year in the Frontier Constabulary before entering

¹⁰Ibid, p. 98.

¹¹Pakistan has four federal units: Balochistan, Northwest Frontier Province (NWFP), Sindh and Punjab.

¹²An annual quota of 10 per cent of positions in the civil services is reserved for serving military officers, who do not have to take the civil service examination.

one of the four provincial police forces or the Islamabad Capital Police.

Under the Police Act of 1861, an inspector general (IG) heads the police hierarchy in a province with deputy inspectors general (DIGs) and additional inspectors general (AIGs) serving directly under him. These subordinate officers supervise police functioning within a clearly demarcated part of the province previously known as a "range" but which, under the Police Order, is now termed a "general police area".¹³

The primary thrust of policing in a province is at the district level. A superintendent of police (SP) heads the force in districts, with a senior superintendent of police (SSP) leading larger districts and provincial capitals. At the sub-district level, assistant superintendents of police (ASPs) and deputy superintendents of police (DSPs) command the police. DSPs are not recruited from the PSP cadre. Promoted instead from the junior ranks of the provincial police, they are meant to be stationed in their respective provinces for the duration of their service.

The overwhelming majority of police personnel belong to these junior ranks, which under the Police Order comprise personnel of and below inspector level. These include, in order of seniority, sub-inspectors, assistant sub-inspectors, head constables and constables. The junior ranks are not members of the PSP cadre but are recruited by the provincial governments and based at police stations.¹⁴

Under the Police Order, the designations of police positions, particularly of the officer cadre, have been changed.¹⁵ The IG is now known as the provincial police officer (PPO). Each provincial capital has a capital city police officer (CCPO), recruited from officers at least of additional inspector general rank. In addition, each city district has a city police officer (CPO), recruited from officers at least of deputy inspector general rank. Each region has a regional police officer (RCO). A district police officer (DCO), who is recruited from officers at least of senior superintendent of police rank, heads the force at the district level. At the lower levels of the hierarchy, the old names have been retained.

C. POLICING PAKISTANI STYLE (1947-2001)

For all the shortcomings of the Police Act of 1861, the British gave their Pakistani successors a tried and tested system of civil and criminal justice. Although that system was primarily designed to protect colonial interests, it nevertheless ensured, in large measure, law and order and a functioning criminal justice system. Pakistan retained the Police Act, but under power-hungry bureaucrats and inept rulers, both civilian and military, the criminal justice system in general and the judiciary and the police in particular went into decline, serving neither the state nor the citizen.

1. The police under military rule

In Pakistan's first decade of independence, the country was nominally a parliamentary democracy, but civil bureaucrats ruled the state with the military as junior partner, using the police primarily to suppress dissent and to retain control.¹⁶ This use of the police as a coercive instrument became even more widespread when Army Chief General Mohammad Ayub Khan imposed martial law in October 1958, dispensing with the pretence of democracy. Devising a scheme of local government called Basic Democracy, aimed at creating a clientele at the local level, Ayub used the police to suppress political dissent and to marginalise opposition politicians.¹⁷

Ayub's government sacked a large number of police officers of proven integrity and competence. According to a senior police officer who served under the regime, "corrupt and unprincipled officers were rewarded and honest ones sidelined".¹⁸ As opposition to military rule grew, between November 1968 and March 1969, hundreds of protesters in Pakistan's west wing were killed in clashes with the police. In the east wing, the military's forcible suppression of civilian dissent following general elections in December 1970 until Pakistan's defeat in the 1971 war with India, which resulted in Bangladesh's creation, produced hundreds of thousands of deaths.¹⁹

¹³ Police Order 2002, Article 2 (ix).

¹⁴ Ayesha Siddiq, *Military Inc.: Inside Pakistan's Military Economy* (Karachi, 2007), p. 59.

¹⁵ The Police Order changed the designations of various police positions, but the old ones are still commonly used.

¹⁶ See Crisis Group Asia Report N°40, *Pakistan: Transition to Democracy?*, 3 October 2007.

¹⁷ See Crisis Group Asia Reports N°102, *Authoritarianism and Political Party Reform in Pakistan*, 28 September 2005; and *Devolution in Pakistan*, op. cit.

¹⁸ Crisis Group interview, Lahore, January 2008.

¹⁹ Pakistan then had two units, West and East Pakistan. According to Bangladeshi authorities, the Pakistani military

2. Reforms under Zulfikar Ali Bhutto

After Ayub's successor, General Yahya Khan (1969-1971), presided over the loss of East Pakistan, a demoralised military was forced to transfer power to Zulfikar Ali Bhutto, whose Pakistan Peoples Party (PPP) had gained a majority of the seats in West Pakistan in the 1970 elections. Soon after forming a government, Bhutto embarked on a nation-building endeavour, adopting a consensus constitution that created a parliamentary form of government and attempted to place the military under civilian control. To strengthen the elected government's control over the powerful civil bureaucracy, Bhutto also launched administrative reforms that were to alter its structure and functioning.

In 1972, Bhutto terminated the services of 1,300 civil and police officials on the grounds of corruption and incompetence. While some analysts believe that many officers were penalised on flimsy grounds,²⁰ others are of the view that the elected government was justified in asserting control over a bureaucracy that had colluded with military autocrats since independence.²¹ However, this reformist agenda was taken to the extreme. By withdrawing constitutionally guaranteed protections of employment and against political interference in 1973, Bhutto dealt a serious blow to the professionalism of the police and other parts of the civil service. The executive could now dismiss even the most senior civil and police officials by merely issuing them a "show-cause notice". "Government employees had hitherto considered themselves servants of the state, but with the removal of constitutional guarantees, they were turned overnight into servants of the government and of Bhutto's Pakistan Peoples Party", said a former IG.²²

Until Pakistan's first elected government took over office under Bhutto, civil bureaucrats had, in fact, resisted political control, opting instead first to control the state on their own, then to operate as junior partners with the military. That said, the removal of guarantees of employment and conditions of service cer-

tainly made the police more vulnerable to political manipulation.

Bhutto's recruitment policies further politicised the police force. The elite Central CSP (Civil Service of Pakistan) cadre was abolished, and through a system called "Lateral Entry" 5,000 officials of various ranks and grades were directly recruited into the police and other services, in some cases on merit but more often for political reasons.²³ A large number of DSPs were directly recruited into the police, bypassing the Federal Public Service Commission's civil services examination.²⁴ Lacking adequate training and given rapid out-of-turn promotions, these new recruits undermined efficiency and demoralised those less politically connected.

Bhutto's disregard for democratic functioning and unwillingness to accommodate dissent politicised the police further when he used the force against his opponents. According to a former IG, the Federal Security Force (FSF), a security agency created by Bhutto, included "some of the worst elements of the other law-enforcement agencies and was accountable only to the prime minister".²⁵ While the decision to set up the FSF was motivated by the desire to reduce the government's dependence on the military during times of civil unrest,²⁶ FSF personnel were "frequently used, at times in plain clothes, to disrupt the political gatherings of opposition political parties".²⁷ As the prime minister lost popular support, an ambitious military high command was given an opportunity to oust him.

3. The Zia years

On 5 July 1977, Army Chief General Mohammad Zia-ul-Haq imposed martial law, justifying the ouster of the elected government on the grounds of national security and democratic reform. His intentions, however, became clear when he detained Bhutto and other opposition politicians. The military government forcibly repressed political opposition and sought to achieve legitimacy through the use of religion, embarking on a process of "Islamising" the polity. Religious parties were empowered, and their ranks ex-

killed three million civilians in the east wing; more conservative estimates put the figure for civilian deaths at the military's hands at around 300,000. Lionel Baixas, "Thematic Chronology Index: Thematic Chronology of Mass Violence in Pakistan, 1947-2007", Online Encyclopaedia of Mass Violence, at www.massviolence.org.

²⁰ Anwar H. Syed, *The Discourse and Politics of Zulfikar Ali Bhutto* (London, 1992), p. 135.

²¹ See Hamid Yusuf, *Pakistan: A Study of Political Developments 1947-1999* (Lahore, 1999), p. 146.

²² Crisis Group interview, Lahore, January 2008.

²³ Yusuf, op. cit., p. 153.

²⁴ Crisis Group interviews, two retired inspectors general, Islamabad and Lahore, December 2007-January 2008.

²⁵ Crisis Group interview, Lahore, January 2008.

²⁶ Ayesha Jalal, *Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective* (Lahore, 1995), p. 82.

²⁷ Ibid.

panded as the madrasa (religious school) sector flourished under military patronage. The military's active support for Islamists, local and Afghan, during the anti-Soviet jihad in Afghanistan also increased the political strength of extremists.²⁸

"The military's involvement in Afghanistan [had such a] far reaching impact [on] the state of law and order and violent crime that we are paying the price to this day", said a former police officer who had served as an IG under Zia's government.²⁹ The easy access to arms for and from Afghanistan, for instance, promoted sectarian and ethnic violence and crime in Pakistan, while the proceeds of the Afghan drug trade penetrated and criminalised the economy and politics.

Instead of ensuring that the police could tackle the new challenges to internal security, the regime starved them of resources. Used mainly to repress political opposition,³⁰ the poorly paid and inadequately trained force was further demoralised when the military penetrated its ranks. Unlike Ayub's military rule, when the civil bureaucracy was co-opted and a willing partner, Zia not only made it subservient to his government's dictates, but also appointed military officers to important positions in the federal and provincial administrations, including the police and civilian intelligence agencies.

4. The police under Benazir Bhutto and Sharif

In the flawed democratic transition of the 1990s that followed Zia's death in 1988, successive elected governments were dismissed by the military, using the president as proxy, before they completed their terms of office. Nor did the two main political players, Benazir Bhutto's PPP and Nawaz Sharif's Pakistan Muslim League (PML-N) help to consolidate democracy, as they entered into untenable alliances with the military to gain or to retain power.³¹

Bent on undermining each other, their governments politicised the police further. Although Bhutto did attempt to reform police procedures and capabilities with regard to gender-related violence, PPP govern-

ments also made large-scale appointments at the assistant sub-inspector level on political grounds, particularly in Bhutto's home province of Sindh. PML-N governments followed suit in Punjab, Sharif's home province.³² Political considerations also determined postings and transfers, particularly at the higher levels. At the operational level, too, police officials were too often diverted from their primary duty of maintaining law and order to carrying out the commands of their political masters.³³

²⁸For more on Zia's Islamisation, see Crisis Group Asia Reports N°36, *Pakistan: Madrasas, Extremism and the Military*, 29 July 2002; N°49, *Pakistan: The Mullahs and the Military*, 20 March 2003; and N°95, *The State of Sectarianism in Pakistan*, 18 April 2005.

²⁹Crisis Group interview, Lahore, December 2007.

³⁰This included publicly lashing political dissidents, including journalists.

³¹Crisis Group Report, *Pakistan: Transition to Democracy?*, op. cit., pp. 9-10.

³²Crisis Group interviews, serving and retired police officials, Islamabad, Lahore and Karachi, December 2007-January 2008.

³³Some police officers claimed that senior postings in Punjab during Nawaz Sharif's second tenure were determined by the willingness of officers to eliminate hardened criminals in extrajudicial killings, called police "encounters" in local parlance. Crisis Group interviews, Islamabad and Lahore, December 2007.

III. MUSHARRAF'S POLICE REFORMS

When Pakistan gained independence, the Police Act should have at the very least been amended, if not completely repealed. Instead, it was retained for more than five decades because it was politically expedient. Several reform commissions were constituted, but not a single constructive recommendation, for example for greater autonomy or depoliticisation, was accepted. By the late 1990s, public confidence in an unreformed, corrupt and inefficient police was at an all-time low. According to a senior police officer, complaints ranged from "routine discourtesy and incidents of neglect, incompetence and arbitrariness to institutionalised abuse of power and widespread resort to corruption".³⁴

In October 1999, President Musharraf ousted Nawaz Sharif's government and imposed military rule. Attempting to legitimise his coup on the grounds of democratic reform, he quickly seized upon a scheme for political devolution. The military government claimed that the scheme would transfer power to the local levels of government. In practice, the scheme proved little more than a cover for centralising military control through the creation of a new local political elite, which was then used to marginalise the regime's political opposition.³⁵

Within a month of his coup, Musharraf set up a National Reconstruction Bureau (NRB). Its local government scheme established elected councils at the sub-district and district levels; *nazims* (mayors) were placed at the apex of district government. The scheme also abolished the posts of deputy commissioner and assistant commissioner, which had traditionally controlled executive, judicial and revenue functions in a district, and established a new administrative structure led by a district coordination officer (DCO). Magisterial and legal powers, previously exercised by the deputy commissioner, were transferred to the district and sessions judge and police oversight powers to the *nazim*.³⁶ Thus, while the police force's longstanding demand for ending the supervisory control of the deputy commissioner was accepted, that control was vested not in an impartial supervisory body or the police's own senior leadership but in the *nazims*, the military's new local clientele.

A. POLICE ORDER 2002

The NRB included police reform in its good governance and devolution plans. In 2000, it established a think tank composed of senior serving and retired police officers, which deliberated for over a year before presenting recommendations that were formally incorporated into a presidential ordinance promulgated as Police Order 2002. The Police Act of 1861 ceased to operate as soon as the Police Order came into force. Although policing is constitutionally a provincial subject and can be legislated by each province as it deems fit, the order, a federally-created legal instrument, was extended to the four provinces.³⁷ Because it was devised by a military regime, it lacked legitimacy. Even a member of Musharraf's ruling Pakistan Muslim League – Quaid-i-Azam (PML-Q) – criticised the centrally devised scheme, saying that the order was "virtually thrust down the throats of the provinces", and "the whole devolution plan, including the police reforms, was designed only to create an alternative political power base for Musharraf".³⁸

Despite such misgivings about Musharraf's intentions, many police officers were willing to give the military regime the benefit of the doubt. Most maintain that the order was not deliberately designed to undermine provincial autonomy but to reorganise the police into an efficient professional and politically neutral force.³⁹ "Whatever Musharraf's motivations might have been, the fact remains that he did do away with a thoroughly antiquated system of policing and replaced it with one that, although by no means perfect, theoretically constituted an improvement over its predecessor", said a senior police official. "The only flaw is that Musharraf was never sincere about implementing it".⁴⁰

The Police Order was promulgated with the proclaimed objectives of making the police publicly accountable, operationally neutral, functionally specialised, professionally efficient, democratically controlled and responsive to the needs of the community.

³⁴ Suddle, op. cit., p. 101.

³⁵ Crisis Group Report, *Devolution in Pakistan*, op. cit.

³⁶ Ibid.

³⁷ According to media reports, the NRB overruled more than 350 objections made by the provincial governments and federal ministers. See "Setup to enjoy trust of people: Musharraf: Police Order 2002 okayed", *Dawn*, 8 August 2002.

³⁸ Crisis Group interview, Islamabad, February 2008.

³⁹ Crisis Group interviews, Islamabad, Lahore and Karachi, December 2007-January 2008.

⁴⁰ Crisis Group interview, Lahore, February 2008.

It emphasised that the reformed police would serve and protect citizens.⁴¹

Emulating the Japanese National Safety Commission system, it called for the establishment of oversight bodies with both elected and nominated members at district, provincial and national levels. An independent prosecution service would be created to place additional checks on the police. Public accountability would be ensured through the safety commissions as well as police complaints authorities at the provincial and federal levels. Effective liaison with the public would be facilitated through the establishment of Citizen Police Liaison Committees (CPLCs). The involvement of women in policy and oversight bodies like the safety commissions was to be encouraged. The criminal justice administration would be made more efficient through the establishment of Criminal Justice Coordination Committees at the district level. Operational neutrality would be guaranteed by ensuring autonomy in administration and investigation.

Separating operational duties from investigation, the order also proposed to organise the police on functional lines into various branches and divisions, including investigation, intelligence, watch and ward,⁴² reserve police, police accountability, personnel management, education and training, finance and internal audit, crime prevention, crimes against women, traffic management, criminal identification, information technology, transport, research and development, legal affairs, welfare and estate management. The postings of officers to any of these specialist branches and divisions were made subject to the necessary training and relevant experience.⁴³

B. AMENDMENTS

Reflecting a long rivalry between the Police Service of Pakistan and the DMG, a police officer said that a “self-professedly elite cabal had historically controlled district administration until it was displaced from its lofty perch” by Musharraf’s local govern-

ment system.⁴⁴ “Members of the DMG opposed the draft Police Order tooth and nail because they simply could not bear the prospect of not being able to lord it over the police, as they had been doing for six decades”, said another who was closely involved in framing the order.⁴⁵

The order also encountered stiff opposition from Musharraf’s PML-Q leadership who, said a senior police officer, “feared losing their leverage over the police to harass political opponents”.⁴⁶ Lacking popular support and wanting to use the police to retain their tenuous grip on political power, PML-Q federal and provincial ministers and legislators strongly fought the order. According to a former IG, their primary concern was not so much a diminution of provincial autonomy but rather the threat that the “undiluted administrative control of the provincial police officer over his force” would deny them opportunities to determine “posting and transfers on the basis of political considerations”.⁴⁷ Although their very survival was based on the patronage of the military-controlled central government, PML-Q provincial ministers became champions of provincial autonomy. Stressing that policing was a provincial subject, they insisted their concerns about certain aspects of the order would have to be addressed before they could allow its implementation.

1. Appointments, transfers and evaluations

Egged on by his supporters and “never really having the best interests of the police at heart”, according to a police officer,⁴⁸ Musharraf introduced amendments to the order in November 2004. Most police officers believe these amendments fundamentally undermined the order’s intent and spirit. Under the original order, for instance, the provincial government would appoint the provincial police officer from a panel of three officers. The federal government would provide the list of names, with recommendations from the National Public Safety Commission (NPSC). Under the amended order, the NPSC has no role in recommending names, reducing the chances of appointments made on merit.

Similarly, under the original order, the provincial government could not prematurely transfer (ie, before the expiry of a fixed, three-year tenure) the provincial

⁴¹ Articles 3, 4 and 5 dealt exclusively with attitudes, duties and responsibilities of the police towards the public. Article 114 prescribed a code of conduct for law enforcement officers to regulate police practices. It was the police force’s duty to promote amity, behave toward the public with due decorum and courtesy, preserve and promote public peace and obey and promptly execute all lawful orders.

⁴² The term “watch and ward” refers to surveillance at key locations and guard duties.

⁴³ Police Order, Article 7.

⁴⁴ Crisis Group interview, Lahore, January 2008. The DMG had controlled the office of the district commissioner, abolished by the devolution plan. For more, see Crisis Group Report, *Devolution in Pakistan*, op. cit.

⁴⁵ Crisis Group interview, Islamabad, December 2007.

⁴⁶ Crisis Group interview, Islamabad, December 2007.

⁴⁷ Crisis Group interview, Islamabad, December 2007.

⁴⁸ Crisis Group interview, Lahore, December 2007.

police officer or the capital city police officer without the agreement of the Provincial Public Safety Commission (PPSC) and the Capital City Public Safety Commission (CCPSC). Under the amended order, the provincial government no longer required the approval of these oversight bodies. It could prematurely recall the provincial police officer with only the federal government's consent. Police officials believe this change has made them "vulnerable to the hostility [of the provincial chief minister] in case they refuse to accept his unlawful commands".⁴⁹

The amended order also allows the federal government to prematurely recall the provincial police officer at its own discretion without prior approval from the NPSC, removing a vital check on its authority. In the original order, the PPSC could initiate a case for premature transfer of a provincial police officer or capital city police officer for unsatisfactory performance of duties. Now the PPSC can only make a non-binding recommendation. The provincial police officer, who previously could appoint a city police officer or district police officer in "consultation" with the government, now requires the express approval of the provincial government or, more accurately, of the chief minister.

Under the original order, the city police officer and the district police officer could only be transferred before the completion of their three-year terms on clearly specified grounds, and then only with the concurrence of the district *nazim* and District Public Safety Commission (DPSC). Moreover, such transfers could be made only after the concerned officer had been personally heard by the DPSC. The *nazim* and the DPSC's agreement are no longer required in the amended version; nor is the concerned officer given a chance to have his voice heard.

Provincial governments now have the authority to transfer officials prematurely on grounds that include "exigency of service" and "misconduct and inefficiency", terms that are vague enough to be open to misuse. "We still have no security of tenure", said a district police officer posted in Punjab. "Only those who are loyal to the chief minister have any chance of serving out their three-year tenure; the rest would be lucky to last three months in one place".⁵⁰ Another controversial amendment concerns the authority given to the district *nazim* to write the district police officer's annual performance evaluation report, which has a direct bearing on promotion prospects. The original order gave the *nazim* no such power.

Due to these amendments, police officers are now dependent for postings, transfers and continuation in office on their provincial chief minister and, as far as district police officers are concerned, on the *nazim* for promotion. "How can one expect the police to be impartial and unbiased when it is subjected every day to untold political pressures from all sides?" asked an officer in Islamabad. "Most police officers feel that, in order to secure their career prospects, they have no choice but to do the bidding of their political masters. Any defiance on their part could, and often does, wreck their careers".⁵¹

2. Public safety commissions

As a result of the 2004 amendments, the public safety commissions have been almost completely eviscerated. Musharraf's government had, in any case, set up very few of these oversight bodies, and fewer still are fully functional. Under the original order, half the District Public Safety Committee (DPSC) was elected by the district councillors from among their own members; the rest were independent members appointed by the provincial governor from a list recommended by a district selection panel. As a result of the amendments, the provincial government now appoints one third of DPSC members from federal and provincial legislators in that district; one third are appointed as independent members by the government from a list provided by the district selection panel; and one third are elected by the district council from its own members. "What was the need to include politicians in the administration of bodies intended to be non-partisan? It is simply another way of perpetuating political interference in the functioning of the police", said an officer.⁵²

Changes were also made to the structure of the Provincial Public Safety Commission (PPSC). Originally, it consisted of twelve members and an ex-officio chairman (the provincial home minister). Half the members were to be appointed by the speaker from the provincial legislature and three each from government and opposition benches after consultation with the leader of the house and the leader of the opposition. The provincial governor would appoint the other six members from a list provided by a provincial selection panel. The speaker is now authorised to nominate four members – two government and two opposition provincial legislators – thus tilting the balance in favour of the ruling party and making the

⁴⁹ Crisis Group interviews, Lahore, January 2008.

⁵⁰ Crisis Group interview, Lahore, March 2008.

⁵¹ Crisis Group interview, Islamabad, January 2008.

⁵² Crisis Group interview, Lahore, December 2007.

PPSC, an ostensibly neutral body, vulnerable to interference by the provincial executive.

The decision to merge police complaints authorities with public safety commissions at the provincial and district levels was another ill-advised change. These are distinct bodies with separate ambits and functions. "This needless merger of public oversight of the police with public redress of grievances against the police has created serious problems, especially when a majority of members of the public safety commissions belong to the party in power", said one senior police officer.⁵³ "Thanks to this merger, the underlying objectives behind the safety commissions and the complaints authorities have remained unfulfilled; these existing bodies are neither one nor the other", added a former IG.⁵⁴

IV. REFORM OR REGRESSION?

Although the Police Order has yet to be passed by parliament, the Human Rights Commission of Pakistan commented that it is one of the most "frequently and most comprehensively amended" legal instruments in Pakistan's recent history.⁵⁵ It has been reissued on at least eight occasions since the November 2004 amendments and must now be taken up by the parliament that has come into being after the February 2008 national elections. "A select committee of the previous parliament was expressly constituted to examine the amendments after they came under heavy criticism from both the police as well as civil society", said a senior police official in Lahore. "It presented its recommendations to the speaker, but the latter just sat on them, as did the [Musharraf] government, and the order just kept on being reissued with the amendments firmly in place".⁵⁶

A. DYSFUNCTIONAL REFORM

Some of the institutions envisaged in the reforms, particularly oversight bodies like the safety commissions, have yet to be established; others that have been constituted have not been allowed to function properly. "District safety commissions are still being put in place", said a senior police officer in Lahore. He added: "The pace at which this is happening is miserably slow; in any case, the commissions have no funds and no real powers, and as a consequence, neither the police nor the government listens to them".⁵⁷ A police officer in Karachi said, "the commissions might be there on paper, but the old system is still in place everywhere, be it districts or provincial capitals".⁵⁸ Most officers also believe that the NPSC, the primary national oversight body for the police, has been kept deliberately weak and not allowed to exercise its powers.

Even if the safety commissions were to be constituted as envisaged, questions would remain about their effectiveness. The Police Order gives them nebulous and poorly defined powers to approve policing plans and encourage public-police cooperation. A commission can only ask the district police officer to remedy police complaints. It possesses no independent en-

⁵³ Crisis Group interview, Karachi, December 2007.

⁵⁴ Crisis Group interview, Islamabad, December 2007.

⁵⁵ "State of Human Rights in 2006", Human Rights Commission of Pakistan, annual report, Lahore, January 2006, p. 31.

⁵⁶ Crisis Group interview, Lahore, November 2007.

⁵⁷ Crisis Group interview, Lahore, December 2007.

⁵⁸ Crisis Group interview, Karachi, December 2007.

forcement mechanisms or powers of inspection. The federally-appointed provincial governor selects half the commission's members. More importantly, the governor can remove members "on his own volition" on several grounds, including "involvement in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan", terms often used to justify arbitrary removal.⁵⁹

The Police Order called for the establishment of a National Police Management Board (NPMB) comprising provincial heads of police and federal law enforcement agencies to perform a range of functions, including identifying and arranging research into the areas of criminology, terrorism, sectarian and ethnic violence and drug trafficking. While it has been constituted, the NPMB has "barely held a session or two thus far and those, too, were devoted to mouthing platitudes about the need to improve policing; no concrete recommendations about anything of any significance were made", a senior police officer asserted.⁶⁰

B. SEPARATION OF POWERS

Police circles are also critical of the separation of operational duties from investigation. Prior to the Police Order, the station house officer (SHO), who has the rank of inspector and presides over all activities within a police station, was in charge of both functions. To register a case, a complainant would request the SHO to file a "first information report" (FIR). The inspector and his team would then investigate on the basis of the information contained in the FIR. The SHO's powers with regard to investigation have now been transferred to a separate investigations wing, headed at the level of the police station by an inspector. The wing has its own hierarchy in every province, with an additional inspector general at its apex.

Many officers believe this separation of operational and investigation duties is ill advised. It is even more difficult for the public to have cases registered and to keep track of investigations. A complainant must now have a case registered by the SHO and then have it investigated by the investigations wing. "It is often the case that while the SHO is based in the police station, the investigations wing might be at a different location, and complainants have to move from one place to another, usually at considerable personal inconvenience", said an inspector in Lahore. "And even if the station house officer and the investigations wing are in the same police station, a complainant must

deal with more officials than before, leading to increased visits to the station, more delays and blockages and greater extortion of bribes by a larger pool of officials".⁶¹

Police officers also believe that taking away the powers of investigation from the SHO has undermined the chain of command within a police station. "Musharraf always justified the retention of his army uniform on the ground that it allowed him to maintain unity of command", said a senior police officer in Lahore, "but when it comes to letting the police maintain its unity of command, he obviously feels differently".⁶²

As a result of the separation of operational and investigation duties and the creation of separate hierarchies for each, the lines of authority are blurred, resulting in considerable confusion within police and public alike. According to the amended Police Order, the head of investigation in a district is responsible to his own hierarchy but subject to "the general control" of the district police officer. The inspector in charge of investigations in a police station is also subject to the "general control" of the SHO but remains answerable to his own hierarchy. Since the order does not define the term "general control", this has resulted, said a former IG, to a "ridiculous state of affairs where the district police officer controls the supply of funds to the head of investigations in his district and writes his annual performance evaluation report but is supposed to have no say in the way the officer conducts his investigations".⁶³

C. OPPONENTS OF REFORM

Some in the force believe the Police Order is opposed by those officers who "simply want to enjoy their new powers without being subjected to stringent accountability" and are thus hindering implementation.⁶⁴ According to a former officer involved in the preparation of the order, the NRB prepared three volumes of draft rules for the police to ensure complete implementation and circulated them to the provincial police officers to incorporate changes. "For over four years now, those draft rules have been gathering dust in the offices of the provincial police officers. Their inaction regarding the promulgation of the rules is one of the

⁵⁹ Crisis Group Report, *Devolution in Pakistan*, op. cit.

⁶⁰ Crisis Group interview, Lahore, November 2007.

⁶¹ Crisis Group interview, Lahore, November 2007.

⁶² Crisis Group interview, Lahore, December 2007.

⁶³ Crisis Group interview, Lahore, November 2007.

⁶⁴ Crisis Group interview, retired police officer involved in framing of the Police Order, Islamabad, November 2007.

main factors militating against full implementation of the Police Order”.⁶⁵

The provincial police officer must prepare an annual policing plan that states targets and objectives. This plan is submitted to the PPSC for approval. The PPSC can amend, alter or send the draft back to the provincial police officer for further review. “To date, not a single provincial police officer in any of the provinces has presented any such plan”, said a former IG.⁶⁶

Other officers insist that the DMG cadre is hampering implementation because the collapse of the reforms would resurrect its own fortunes and restore “its most prized former possession, the office of the deputy commissioner”.⁶⁷ They point out that amendments to the original order have circumscribed the provincial police officer’s autonomy by making him “subject to the policy, oversight and guidance [of] the chief minister through the chief secretary and the provincial home secretary”. The chief secretary and provincial home secretary are almost always chosen from the DMG cadre.⁶⁸

In 2007, police officials also attributed much of the blame for the failed reform to Musharraf’s PML-Q allies. “They simply could not accept the increased checks on their power, which is why they inserted amendments to make the police their handmaiden once again”, said an officer.⁶⁹ Officers were particularly critical of the issuance by PML-Q chief ministers and other influential politicians of illegal orders for postings and transfers in the form of directives to the provincial police officer and his subordinates. This practice, said a police official in Lahore, “has resulted in massive political interference, lack of tenure for officers and a steady erosion of good management and professionalism”.⁷⁰

The reasons behind Musharraf’s dysfunctional police reforms, however, are no different from those of his other proposed reforms: a lack of credibility, legitimacy, sincerity and political will. “The army would never want the police to become a disciplined, competent and professionally run organisation for fear that it would shatter the myth of the army being the

only such uniformed body in the country”, insisted a police officer.⁷¹ Another said:

Musharraf has paid plenty of lip service to the cause of police neutrality but in reality, he and his political cronies have manipulated it just as cynically, if not more so, as any of his predecessors. Musharraf has destroyed the police just like he has destroyed every other institution of any importance in this country. Had these reforms been sincerely implemented, the image of the police might have been different, but thanks to these amendments, the police is perhaps even more loathed and feared by the public today than it was before it was “reformed”.⁷²

⁶⁵ Crisis Group interview, Islamabad, December 2007.

⁶⁶ Crisis Group interview, Islamabad, November 2007.

⁶⁷ Crisis Group interview, retired inspector general, Islamabad, January 2008.

⁶⁸ The chief secretary is the most senior civil servant in a province.

⁶⁹ Crisis Group interview, Islamabad, March 2008.

⁷⁰ Crisis Group interview, Lahore, December 2007.

⁷¹ Crisis Group interview, Karachi, May 2008.

⁷² Crisis Group interview, Lahore, January 2008.

V. UNREFORMED POLICE

Presiding over a cabinet meeting in August 2002 in which formal approval was given to the Police Order, Musharraf expressed his conviction that it would transform the police from a “repressive entity to an accountable and responsive setup” which would enjoy the confidence and trust of the government and the people.⁷³ In 2007, Musharraf’s prime minister, Shaukat Aziz, addressing police officers, stressed that “the police, as the cutting edge of the legal system, must ensure protection of the socially weak, guard against discrimination and demonstrate good conduct and fair play in dealing with all citizens, rich and poor alike”.⁷⁴ A police officer present on that occasion remarked: “The truth is that Musharraf and his political allies have treated the police like their personal bodyguard and have used it against the public in order to fulfil their selfish aims, foremost amongst those being their own perpetuation in power and the exclusion from power of their rivals”.⁷⁵

A. POLITICISING THE POLICE

According to police officials, the Police Order has brought about no meaningful change in the way in which the force functions and therefore no corresponding change in the apprehension and outright hatred with which the vast majority of citizens view it. The public is certainly justified in perceiving the police as brutal and corrupt. Since 2002, after the order came into being, the independent Human Rights Commission of Pakistan’s annual reports have highlighted widespread and increasing instances of illegal detentions, deaths in custody, police torture, extrajudicial killings and pervasive corruption.

The military-led government used the police repeatedly to crush political dissent countrywide. In the fading days of the regime, during the protests that followed Musharraf’s attempt to remove Chief Justice Iftikhar Mohammad Chaudhry in July 2007, the police brutally attacked demonstrators. Even the chief justice was manhandled.⁷⁶

On 12 May 2007, pro-government supporters, reportedly activists of the Muttahida Qaumi Movement (MQM), then Musharraf’s coalition partner in the Sindh government, attacked lawyers and opposition political party workers in Karachi, killing 42 workers from the PPP and the Awami National Party (ANP) and injuring more than 150. The MQM’s Waseem Akhtar, an adviser to the Sindh government on home affairs, conceded that the police had been ordered to remain unarmed and hence unable to act against the perpetrators; police officers confirmed that when they reported for duty on 12 May, they were asked by their superiors to surrender their weapons.⁷⁷ In the aftermath of the carnage, the police failed to apprehend, let alone disarm, those responsible for the violence.

On 3 November 2007, Musharraf imposed martial law, suspending the constitution, removing Chief Justice Chaudhry as well as other judges who refused to accept the legitimacy of his actions.⁷⁸ Unlike previous periods of martial law, the military did not rely on troops to impose control. Instead the police were tasked with silencing opposition. As police brutality against pro-democracy protestors reached new heights, the force lost whatever credibility it had left in the eyes of citizens.

In the run-up to national elections in February 2008, the military-led regime relied primarily on the police and intelligence agencies to harass political opponents and rig the polls. In many districts, for instance, district police officers arrested opposition workers on false charges, and opposition rallies were broken up.⁷⁹ A police officer in the Intelligence Bureau (IB) disclosed that the government had asked the IB “to shortlist prospective candidates in each district, check them out completely and then recommend the most suitable. This is not something that falls within the purview of the Bureau; it is an inherently political function that inevitably compromises our professionalism”.⁸⁰

Even the Election Commission of Pakistan, not known for its independence, was forced to take “serious notice of the large-scale postings/transfers of police officers in the province of Sindh after issuance of the election schedule, despite the ban imposed by the

⁷³ “Setup to enjoy trust of people: Musharraf: Police Order okayed”, *Dawn*, 8 August 2002.

⁷⁴ “PM says country facing security challenges: Police asked to gear up”, Associated Press of Pakistan, 7 November 2007.

⁷⁵ Crisis Group interview, Islamabad, January 2008.

⁷⁶ See Crisis Group Asia Briefing N°70, *Winding Back Martial Law in Pakistan*, 12 November 2007.

⁷⁷ Massoud Ansari, “The day Karachi bled”, *Newsline*, June 2007, p. 40.

⁷⁸ See Crisis Group Crisis Alert, “Pakistan: Emergency Rule or Return to Democracy”, 6 June 2007; and Crisis Group Asia Report N°137, *Elections, Democracy and Stability in Pakistan*, 31 July 2007.

⁷⁹ Crisis Group observations, Sindh and Punjab, January-February 2008.

⁸⁰ Crisis Group interview, Lahore, November 2007.

Election Commission in that regard".⁸¹ In Punjab, too, the government relied on the police to do its bidding, rehiring handpicked retired police officers and transferring and posting officers at will.

B. CORRUPTION

Police corruption has certainly not declined since the Police Order's promulgation. Transparency International's "Global Corruption Barometer 2007" called the police the most corrupt public sector agency in Pakistan.⁸²

In 2002, the military government formed a three-member committee, headed by an additional secretary of the interior ministry, to find ways of tackling police corruption.⁸³ It was given a list of 4,000 officers suspected of corrupt practices but no action was taken. In 2006, the Punjab government's "Anti-Corruption Establishment" report warned that police corruption was "very high", ranging from bribes to registering false cases and dropping charges against criminals.⁸⁴ This warning, however, was not accompanied by remedial action.

Police officers agree that there is widespread corruption, from petty bribery at the lower rungs of the hierarchy to more substantial graft at the top. In an attempt to justify their force's shortcomings, they blame the government for failing to take action and also for not addressing its own shortcomings. "How can corruption in the police go down when people known to be corrupt are made its bosses?" asked an officer. "Many in the police, particularly those at the bottom of the pile, feel that when those at the top are making money right, left and centre, what incentive is there for them to remain clean?"⁸⁵ This is certainly no justification, but those at the top of the police hierarchy must understand that police professionalism and efficiency and the force's public image are badly tarnished by such practices.

The military government must also share some of the blame, not just for failing to punish corrupt police officials but also for undermining the police's capacity to eliminate such practices. In 1999, for instance, Musharraf set up the National Accountability Bureau (NAB), an anti-corruption watchdog. In 2004, the NAB took over the Federal Investigation Agency's (FIA) anti-corruption and crime wings and was also authorised to handle cases of fraud, corruption and other irregularities committed by government servants, responsibilities previously exercised by the FIA.⁸⁶ An FIA official noted that while NAB usurped many of the FIA's anti-corruption powers, it failed to "do much to actually curtail corruption".⁸⁷

The NAB is seen as an extension of the military; more than 17 per cent of staff consists of serving and retired military officers, many of whom occupy key positions. Until recently a serving general headed the agency.⁸⁸ During eight years of military rule, it was mainly used to target the regime's political opponents, while it turned a blind eye to the corrupt practices of ruling party ministers and supporters. "Had the FIA been depoliticised and given complete operational autonomy, it would have delivered the goods", said a senior police officer working in that organisation. "Instead, the military establishment opted to have an agency that would facilitate their witch-hunts of selected politicians and civil bureaucrats".⁸⁹

It is nearly impossible to eliminate corruption within the police until poor salaries and working conditions are improved, particularly for personnel of and below the rank of inspector. "We remain on call 24 hours of every day of every week", said an inspector, who considers vacations "a blessing bestowed on very few of us".⁹⁰ The police rank and file lack transport facilities in a country where the public transportation infrastructure is poor to non-existent. Even in the federal capital, Islamabad, constables are often seen trying to hitchhike to their stations or other areas of duty. Housing facilities for the lower ranks and their families are virtually non-existent, and their meagre salaries rule out renting reasonable accommodation. "I have six kids, a wife and a mother to take care of, and I have to do all that on Rs 8,000 [around \$130] a month",

⁸¹ Qaiser Zulfiqar, "Provinces ordered to reverse reshuffling", *The Nation*, 13 January 2008.

⁸² On a scale from one to five with one meaning not at all corrupt and five meaning extremely corrupt, Transparency International gave the police in Pakistan a rating of 4.3.

⁸³ "Committee to review police corruption", *Daily Times*, 19 July 2002.

⁸⁴ Aayan Ali, "Police and Revenue departments most corrupt, says ACE", *Daily Times*, 4 April 2006. According to the report, illegal detentions were frequent, and the system of investigations and technical skills of police officials woefully inadequate.

⁸⁵ Crisis Group interview, Islamabad, March 2008.

⁸⁶ "NAB gets control of two FIA wings", *Dawn*, 18 August 2004.

⁸⁷ Crisis Group interview, Islamabad, March 2008.

⁸⁸ For more on the functioning of the NAB and accountability courts, see Crisis Group Asia Report N°86, *Building Judicial Independence in Pakistan*, 10 November 2004; also Na-deem Iqbal, "A new civilian face", *The News*, 22 July 2007.

⁸⁹ Crisis Group interview, Islamabad, March 2008.

⁹⁰ Crisis Group interview, Lahore, January 2008.

said a constable, who finds policing to be “the most thankless job in the country”.⁹¹

VI. COUNTERING EXTREMISM

It is hardly surprising that this under-staffed, ill-equipped, deeply politicised, and pervasively corrupt force has failed to counter the growing extremist menace that is undermining the stability of the Pakistani state, claiming hundreds of lives in terror attacks. 2007 could well be called the “year of the suicide bomber”, whose attacks targeted the police and the military as well as politicians.⁹²

In November, Benazir Bhutto narrowly survived a suicide bombing in Karachi that resulted in the deaths of more than 140 party workers. Criticising the security cover provided by the police,⁹³ the PPP also questioned the investigation that followed.⁹⁴ In a letter reportedly sent by Bhutto to the government after that attack, she held a number of officials responsible, including IB Director General and Musharraf confidante Brigadier (retired) Ejaz Shah.⁹⁵

On 27 December, Bhutto was assassinated as she was leaving a rally in Rawalpindi.⁹⁶ Rejecting official claims that Baitullah Mehsud, a tribal militant in FATA, was responsible, the PPP criticised the government for failing to provide the former prime minister adequate security and once again raised questions about official complicity. After forming a govern-

⁹²According to the U.S. State Department’s “Country Reports on Terrorism”, there were as many as 45 suicide attacks in Pakistan in 2007, compared to 22 such attacks between 2002 and 2006. See www.state.gov/s/ct/rls/crt/2007/103709.htm.

⁹³Asim Yasin, “PPP seeks govt. explanation on Karachi blasts”, *The News*, 11 November 2007.

⁹⁴The chief investigator, DIG Manzur Mughal, was withdrawn from the case after Bhutto accused him of being present when her husband, Asif Ali Zardari, was tortured in police custody in 1999.

⁹⁵In an opinion piece published by CNN, Bhutto disclosed: “It has now been two weeks since the horrific assassination attempt against me and the police have still not filed my complaint. They filed their own report without taking statements from eyewitnesses”. She added: “there is for me the most worrying: the adamant rejection by Islamabad of any assistance from the state-of-the art forensic teams of the FBI and Scotland Yard....We can only wonder – if there is nothing to hide – why international investigators ... are being prevented from assisting a Pakistani-led investigation?”, Benazir Bhutto, “No time for dictatorship”, CNN, 4 November 2007, at www.cnn.com/2007/WORLD/asiapcf/11/04/bhutto/index.html. See also “After bombing, Bhutto assails officials’ ties”, *The New York Times*, 20 October 2007.

⁹⁶For more on the assassination and its repercussions, see Crisis Group Asia Briefing N°74, *After Bhutto’s Murder: A Way Forward for Pakistan*, 2 January 2008.

⁹¹Crisis Group interview, Lahore, January 2008.

ment, the PPP formally asked the UN to investigate the assassination.⁹⁷ This clearly indicated lack of confidence in the capacity or willingness of local intelligence and law-enforcement agencies to identify the perpetrators; it also implied that the elected government still does not control them.

Police officers concede that elements within their ranks have links with jihadi and sectarian groups.⁹⁸ "When the state itself has consciously promoted extremism and sectarianism for almost three decades, it's not surprising that these tendencies have managed to establish roots inside the police force, just like they have within the military", said a police official.⁹⁹ Yet, police connivance or inaction is not the primary factor behind the rise of terrorist violence. In Punjab, for instance, the police maintain updated lists of sectarian activists with criminal records, but intelligence agencies only take action after a terror attack has occurred.¹⁰⁰

Police officers stress that they "lay their lives on the line every day in the fight against terrorism, more so than the army", even though they are "nowhere near as numerous, well-equipped and resource-rich".¹⁰¹ At the same time, many are resentful that the military's inept counter-insurgency and counter-terrorism policies have caused countless police deaths. In July 2007, for instance, a suicide attack, in retaliation against the storming of the Red Mosque compound in Islamabad by army commandos, killed thirteen police.¹⁰² In October 2007, a suicide bomber killed three police guarding a post outside Musharraf's official residence in Rawalpindi. "Are our constables dispensable?" questioned an irate police official. "While the military remains ensconced in their cantonments, too petrified to move out, it is we who have to expose ourselves to protect them. And then they have the audacity to say that they have sacrificed the most in the war on terror".¹⁰³

If anything, 2008 promises to be an even bloodier year for the police. In January, a suicide bomber outside the Lahore High Court killed 21 police officers. In February, more than 40 people died in a suicide attack on the funeral procession of a police officer in Swat, killed in a roadside bombing a day earlier.¹⁰⁴ In March, fifteen FIA personnel and eight civilians were killed in a suicide car bomb attack on FIA's Lahore headquarters. Initial reports indicated that it was aimed at preventing the FIA's Special Investigations Unit (the wing that deals with counter-terrorism operations) from interrogating suspects involved in recent terrorist activities in the city.¹⁰⁵ On 6 July, a suicide bomber killed fifteen police deployed on security duties at an Islamist rally in Islamabad, commemorating the first anniversary of the Red Mosque operation.¹⁰⁶

With increased resources, improved forensic skills, greater expertise in more specialised areas such as cyber crime and freedom from political interference, the police insist they could do a much better job countering terrorism. Police officials complain almost all money provided by the U.S. to counter-terrorism is given to the military and its intelligence agencies, with very little allocated for the police and civilian intelligence agencies.

Since 2002, the U.S. has given more than \$10 billion to Pakistan, the bulk of which has gone to the military. This is supposed to have been for its role in the war on terror, but much of it has been spent on weapons systems for the Indian front.¹⁰⁷ "When American largesse is poured into the coffers of the military, let the Americans pause for an instant to reflect that policemen put their lives on the line every single day in the war on terrorism, often without even basic protective equipment", said a police officer in Peshawar, the capital of the insurgency-hit Northwest Frontier Province (NWFP).¹⁰⁸ "Even if we were given one-tenth of the money given [by the U.S.] to the military, we would be able to do a much better job of hunting down terrorists", said another. "At the end of the day, the police and its intelligence agencies should be the natural choice to conduct counter-terrorism operations

⁹⁷ Azim M. Mian, "Benazir's murder: FM's letter delivered to Ban", *The News*, 7 June 2008.

⁹⁸ For more on the infiltration of sectarian groups into the police, see Crisis Group Report, *The State of Sectarianism in Pakistan*, op. cit.

⁹⁹ Crisis Group interview, Islamabad, December 2007.

¹⁰⁰ Crisis Group Report, *The State of Sectarianism in Pakistan*, op. cit.

¹⁰¹ Crisis Group interviews, Islamabad and Lahore, December 2007.

¹⁰² The military government had failed to act against jihadis within the Red Mosque, instead allowing them to regroup, rearm and reorganise for three months. There were more than 100 deaths in the bloody clashes that occurred when the military finally took action in July 2007.

¹⁰³ Crisis Group interview, Lahore, January 2008.

¹⁰⁴ "Bomb blast kills 45", *The Nation*, 1 March 2008.

¹⁰⁵ Syed Irfan Raza, "Attack aimed at preventing terrorists' interrogation", *Dawn*, 12 March 2008.

¹⁰⁶ Syed Irfan Raza and Munawar Azeem, "Suicide bomber avenges Lal Masjid crackdown: 15 policemen killed", *Dawn*, 7 July 2008.

¹⁰⁷ Ahmed Rashid, "Pakistan's worrisome pullback", *The Washington Post*, 6 June 2008.

¹⁰⁸ Crisis Group interview, Peshawar, May 2008.

within Pakistani territory; the Americans need to recognise that and redirect their aid".¹⁰⁹

In addition to inadequate funding, counter-terrorism operations are hampered by lack of coordination between an array of intelligence agencies – from the military-run Inter-Services Intelligence Directorate (ISI) and Military Intelligence (MI) to police outfits such as the Intelligence Bureau, the Federal Investigation Agency, the Criminal Investigation Department and the Special Branch, each with their own counter-terrorism wings. The military's encroachment into police intelligence bodies has further soured relations between civilian and military agencies even as it has undermined police morale.¹¹⁰ "Imagine if the ISI would ever agree to have a retired DIG heading it", remarked an IB official. "Yet, we must bite the bullet and accept a brigadier heading us", referring to Brigadier (ret.) Ejaz Shah, IB chief until he was removed by the PPP-led government.¹¹¹

Most police officials believe that the IB should be the country's primary civilian intelligence agency and given the authority to coordinate with and oversee the efforts of other agencies on counter-terrorism and espionage, "which is what it was always intended to do".¹¹² Instead, the military-controlled ISI, which is supposedly answerable to the prime minister but actually functions under the army chief, dominates domestic and external intelligence. The police insist the ISI should either be transformed into a purely civilian agency or its mandate should be restricted to intelligence matters that relate solely to the armed services, as suggested by its name.

The PPP-led government, which is still finding its feet and faces multiple challenges, political, economic and security-related, is not in a position to disband the ISI, since it would fear a military backlash. However, the civilian government must disband the agency's political wing, which has played a major role in destabilising past democratic transitions. It should also place the ISI firmly under the prime minister's control. Indeed, the two major parties that now form the ruling coalition pledged to disband the political wings of all intelligence agencies in the Charter of Democracy,

signed by Benazir Bhutto and Nawaz Sharif in May 2006.¹¹³

¹⁰⁹ Crisis Group interview, Islamabad, March 2008.

¹¹⁰ Musharraf had appointed a former military officer, Brigadier (retired) Ejaz Shah, as director general of the Intelligence Bureau.

¹¹¹ Crisis Group interview, Lahore, November 2008.

¹¹² Crisis Group interview, senior IB official, Islamabad, May 2008.

¹¹³ Article 32 of the Charter states: "The ISI, MI and other security agencies shall be accountable to the elected government through Prime Minister Sectt (Secretariat), Ministry of Defence, and Cabinet Division respectively. Their budgets will be approved by DCC (Defence Committee of the Cabinet) after recommendations are prepared by the respective ministry. The political wings of all intelligence agencies will be disbanded. A committee will be formed to cut waste and bloat in the armed forces and security agencies in the interest of the defence and security of the country. All senior postings in these agencies shall be made with the approval of the government through respective ministry". See the text of the Charter of Democracy in *Dawn*, 16 May 2006.

VII. REFORMING THE POLICE

Pakistan's police force has a well-deserved reputation for corruption, highhandedness and abuse of human rights. It is justifiably mistrusted and disliked by citizens. Internally too, the police are in urgent need of reform. Appointments are not made on merit, training is neglected, and the rank and file are poorly paid and badly treated. Reforming this police into an institution that serves and protects citizens will require time, the political will of the government and the support of the international community, particularly the U.S. and the European Union (EU). Now that a democratically-elected government is in power, police reform is not only possible but should be a priority. A police force that serves and protects the citizen would restore public trust in the state and help stabilise the democratic transition. An effective, disciplined and well-equipped force would also be capable of tackling the growing challenges of militancy and extremism.

A. INTERNAL SECURITY

The Awami National Party (ANP)-led NWFP coalition government, in which the PPP is junior partner, has proposed a \$4 billion plan to curb growing militancy in the province that adjoins the insurgency-hit Federally Administered Tribal Areas (FATA).¹¹⁴ The plan includes increasing the numbers of provincial police by 8,000 and the Frontier Constabulary (a paramilitary agency under police command) by 6,000. It also seeks to reform the police and revive the system of executive magistracy abolished by Musharraf's devolution scheme. The framers of the plan have decided to convene a donors' conference to finance it and claim that several external players including the U.S., the EU, Saudi Arabia and China have already demonstrated an interest.¹¹⁵

¹¹⁴For more on violence and radicalism in FATA and the Musharraf regime's response, see Crisis Group Asia Report N°125, *Pakistan's Tribal Areas: Appeasing the Militants*, 11 December 2006.

¹¹⁵Ismail Khan, "\$4 bn peace plan for NWFP", *Dawn*, 2 May 2008. The plan includes the creation of a Provincial Peace Board to oversee, review, discuss, analyse and recommend actions to restore peace. It envisages the setting up of a board to suggest reforms on delivery of justice. It also calls for closer coordination between and a mechanism for institutional support among security agencies, including the police, the Frontier Constabulary, the Frontier Corps (a paramilitary force under army command) and the military.

In its haste to curb militancy in the province, the ANP has, however, also reached an accord with a Sunni militant group, the Tehreek Nifaz Shariah Mohammadi, in Swat district, accepting demands that include the release of terrorist suspects and detainees and the imposition of Sharia (Islamic law). While the ANP's accord will embolden extremists and is unlikely to pay counter-insurgency dividends, NWFP's new IG, Malik Naveed Khan, has devised a separate plan, which, if properly implemented, could improve internal security in the province.

The ANP would be well-advised to accept and immediately implement this plan, which envisages the establishment of an elite force of 7,500 well-trained and properly-equipped police that would operate separately from the Criminal Investigation Department (CID) and focus exclusively on fighting terrorism and militancy.¹¹⁶ The IG believes that police morale would improve if officers were given proper equipment, such as bullet-proof jackets, heavy weapons and armoured personnel carriers, as well as fortified bunkers. "Initiatives like these need to be encouraged and entertained, not only by our own government but also by foreign donor governments", said a police officer in Peshawar. "Pumping billions into the military and contributing virtually nothing to civilian law enforcement agencies, like the U.S. has been doing for the last decade, has clearly been counterproductive".¹¹⁷

In Punjab, Pakistan's largest federal unit in terms of population and also the most affluent and well-developed, there is only one forensic science laboratory, seven police training institutions (three of which are still in the planning phase) and two women police stations.¹¹⁸ The entire province has some 167,000 police, one to approximately 480 people, and 616 police stations to meet the needs of almost 80 million people in 35 districts. The total number of police vehicles, including motorcycles, in Punjab is only 16,639. The provincial capital, Lahore, with around ten million inhabitants, has only 25,100 police, one for every 398 residents (429 of whom are women), with 77 police stations of which only one is exclusively for women.

In Sindh's capital, Karachi, with a population of more than sixteen million, the country's commercial heartland as well as its most crime-ridden city, the authorised strength of the police is 28,964, one to 598 residents, but only 26,873 are posted there. In contrast,

¹¹⁶Javed Aziz Khan, "Police to have elite force to fight terrorism: IGP", *The News*, 18 March 2008.

¹¹⁷Crisis Group interview, Peshawar, May 2008.

¹¹⁸Information obtained by Crisis Group from the Punjab police. On women police issues, see section VII.B.3 below.

India's capital New Delhi, with a population only somewhat lower than Karachi, has a 57,500-strong police force.¹¹⁹

In other regions, too, numbers on the ground are below authorised strength; 16,748, for instance are approved for Hyderabad region, but actual strength is 16,220; in Sukkur region, the figures are 23,292 and 21,923. Sindh's Crime Investigation Department has an authorised strength of 361 officers but 63 vacancies.¹²⁰ Instead of ensuring that the police force has the resources it needs in Sindh, much of its budget is diverted to the Pakistan Rangers, a paramilitary organisation, which serves under army command and is not accountable to the provincial government. The Rangers, said a police officer, have failed to contain crime and violence, but the police "always get the flak for whatever goes wrong in Karachi".¹²¹

In the federal capital, the same officer disclosed, "60 per cent of the Islamabad police at present is engaged in protecting VIPs and providing security to diplomats. Hardly any real police strength is, therefore, available to fight crime and maintain order".¹²²

B. POLICE MODERNISATION

Enhancing the numbers of police would help create the capacity to ensure internal security, but an effective reform process must also be directed at modernising the force and bringing it in line with the demands of a democratic society. This process should encompass training methods and procedures; systems of recruitment; salary, reward and pension structures; and welfare services. The government should empower managerial organisations like the National Public Safety Commission, the Federal Police Complaints Authority and the National Police Management Board and give due weight to their recommendations. "Ever since their inception, these bodies have never gone beyond the status of talk-shops that occasionally meet to suggest measures for improving police performance that are almost always disregarded by the government", said a senior police officer.¹²³

Most police officials favour retaining the managerial bodies created by the Police Order provided they are allowed to operate free from political interference and

their reform proposals are acted upon. The National Police Management Board, consisting of the heads of federal and provincial police establishments and federal law enforcement agencies, is authorised to advise the federal and provincial governments on a wide range of issues, including general planning, education and training, gender sensitisation, criminal identification facilities, criminal statistics and police equipment.¹²⁴ It is charged with identifying and arranging research in criminology, terrorism, sectarian and ethnic violence, drug trafficking, organised crime and inter-provincial crime and recommending grants to the federal government to enhance the operational capabilities of police and federal law enforcement bodies. "If genuinely activated and given due importance, the Board has the potential to dramatically improve police performance", said a senior police official in Karachi.¹²⁵

The Federal Police Complaints Authority could potentially redress public grievances if given the requisite powers. Under Article 100 of the Police Order, it can receive complaints of neglect, excess or misconduct against the Islamabad police or any member of a federal law enforcement agency and refer regular cases to an appropriate authority for action. If the case is of a more serious nature, it can initiate action on its own. It can also recommend disciplinary action against an inquiry officer for wilful neglect or mishandling of an inquiry. Provincial complaint authorities have been given the same roles with regard to provincial law enforcement personnel. But "the complaints authorities can be effective in checking police excesses only if their recommendations for disciplinary action are implemented in letter and spirit", a police officer said, warning that if "recommendations are sacrificed at the altar of political or administrative expediency, there will be no real let-up in police excesses against the public or dereliction of duty on the part of police officials".¹²⁶

Any effective police reform will require parliamentary oversight of police performance and accountability. The National Assembly's Standing Committee on Interior should set up a sub-committee on policing. It should be tasked with making the police accountable to the people's representatives and given the authority to scrutinise the National Police Management Board's recommendations and then recommend that those it considers viable and desirable be accepted and immediately implemented by the government.

¹¹⁹ See www.delhipolice.nic.in/home/history1.htm.

¹²⁰ Official website of the Sindh Police, www.sindhpolice.gov.pk.

¹²¹ Crisis Group interview, Karachi, May 2008.

¹²² *Ibid.*

¹²³ Crisis Group interview, Peshawar, April 2008.

¹²⁴ Police Order 2002, Article 160.

¹²⁵ Crisis Group interview, Karachi, May 2008.

¹²⁶ Crisis Group interview, Karachi, May 2008.

The international community, particularly the U.S. and the EU can contribute to this modernisation process. The U.S. should enhance and supplement professional development programs for the police and civilian intelligence agencies. It should provide technical and fiscal assistance for forensic laboratories, both existing and additional ones, and the computerisation of police records. The EU could assist by providing trainers for police institutions in the centre and the provinces and helping to upgrade curriculum at the National Police Academy, with particular emphasis on community policing.

1. Salaries and resource allocation

Conditions of service and facilities, particularly for the rank and file, are abysmal; the salaries of senior officers are also far from generous. In Punjab, for instance, the monthly pay and allowances of the inspector general, the highest ranking officer in the province, amount to Rs 41,698 (\$620); at the bottom of the hierarchy, the monthly salary of a police constable is Rs 8,932 (some \$133). On the average country-wide, police constables are paid monthly salaries that range between Rs 7,000 and Rs 10,000 (\$115-\$166), depending on location and length of service.¹²⁷ Without improved salaries, no amount of oversight will help curb the corruption that is rife in the police.

Financial allocations for the police do not meet needs, undermining the force's ability to perform internal security functions effectively. In 2007-2008, the budgetary allocation for the Punjab police was Rs 33 billion (\$492 million);¹²⁸ in Sindh it was Rs 16 billion (\$238 million).¹²⁹ While Rs 49 billion (\$730 million) were spent on the police in the two largest provinces, the military budget for the same period was Rs 275 billion (\$4 billion),¹³⁰ not counting U.S. military aid, including Coalition Support Funds and Foreign Military Financing. If elected governments in the centre and the provinces are to ensure that the police can protect and serve citizens, they will have to improve police salaries. If the state is to effectively check rising militant violence and terrorism, it must provide the police force the fiscal resources it needs to get the job done.

2. Community policing

Any effective police reform effort must focus on reducing the trust deficit between the force and the public by adopting community policing procedures and techniques. With a democratically-elected government now in place, the police force should be encouraged to respect fundamental freedoms while enforcing the law. It should also be encouraged to make communities equal partners in the fight against terrorism and crime.

Community policing consists of two complementary core components: partnership and problem solving. To develop community partnership, the police must build positive relations with the community, involve the community in the quest for better crime control and prevention and pool their resources with those of the community to address the community's most urgent concerns.¹³¹

Problem solving is the process through which the specific concerns of communities are identified and the most appropriate remedies devised. Community policing does not undermine police authority or subordinate its primary duty to preserve law and order. Rather, it allows the police to tap into the expertise and resources of communities, thereby reducing some of their own load. Local government officials, social agencies, student unions, labour unions, business and trading interests, in short, all who live in the community and have a direct stake in its development and progress, can share responsibility with police to find solutions to the problems that threaten safety and security.¹³²

Under the Police Order 2002, the government was authorised to establish Citizen Police Liaison Committees (CPLCs) as voluntary, self-financing and autonomous bodies to develop, among other objectives, "a mechanism for liaison between aggrieved citizens and the police for providing relief".¹³³ The committees could have fostered greater trust had they been given adequate funding, autonomy and importance, but they were not. "The Musharraf regime did set up CPLCs in major cities like Lahore and Faisalabad, but they have hardly any authority and have consequently achieved nothing of significance thus far", said a Lahore officer.¹³⁴

¹²⁷ Salary structures vary only slightly from province to province.

¹²⁸ Budgetary figures obtained by Crisis Group from sources in the Punjab police.

¹²⁹ Official website of the Sindh police, www.sindhpolice.gov.pk.

¹³⁰ "Defence budget may go up", *Daily Times*, 23 May 2008.

¹³¹ "Understanding Community Policing: A Framework for Action", U.S. justice department, NCJ 148457, August 1994.

¹³² *Ibid.*

¹³³ Police Order 2002, Article 168 (2).

¹³⁴ Crisis Group interview, Lahore, May 2008.

Police officials believe that relations with the public and police performance in general could improve considerably if the CPLCs were made more effective, along the lines of the country's first such committee, set up in Karachi in 1989. Created as a non-political statutory institution by former Justice of the Supreme Court and then Sindh Governor Fakhruddin G. Ibrahim, it was operationally independent and managed by concerned citizens on a voluntary basis. Now in existence for almost two decades, it has worked well despite difficult conditions. It has helped improve police efficiency and coordination with citizens. Its functions include:¹³⁵

- ❑ developing and maintaining databases, for example of crimes, prisoners and stolen vehicles;
- ❑ determining if investigating officers are delaying assigned cases;
- ❑ locating persons unlawfully detained at police stations and securing their release;
- ❑ reporting misconduct or neglect of duty by police officers; and
- ❑ looking into police welfare and initiating improvements to living conditions for the police.

This CPLC's operational expenditures are met mainly through private donations; the government provides very little financial support. Since 1990, it has handled over 400 cases of kidnapping for ransom and has helped in apprehending 100 groups of kidnappers, consisting of over 350 criminals.¹³⁶ It has provided cellular phones and pagers to law enforcement agencies for effective liaison in general, and particularly during counter-terrorism operations.

"The CPLC may not be the panacea for all the ills bedevilling relations between the police and the public, but it is definitely a step in the right direction, particularly if given meaningful autonomy", said a police officer in Karachi.¹³⁷ It is encouraging, therefore, that the PPP-led government has expressed its intention to establish such committees at various operational levels of the police.¹³⁸ These committees should have a meaningful female representation and include human rights activists.

The government should also establish the office of an independent police ombudsman.¹³⁹ The prime minister could appoint the ombudsman on the recommendation of a panel consisting of members of the legal fraternity and human rights activists to investigate serious incidents of police abuse, including deaths in custody and excessive use of force.

3. Female policing

Within the framework of community policing, the new government must also take care not to neglect the status of female police officers and the resolution of cases pertaining to crimes against women. There is a serious countrywide shortage of female police stations.¹⁴⁰ The first was set up in 1994 during Benazir Bhutto's second term as prime minister to support and protect victims of gender violence, giving them an alternative to registering such complaints in male-dominated stations. The military government, however, was indifferent to the concept. Very few such stations were set up, and the few that exist often lack even basic facilities such as telephones and adequate transport. In some cases, these police stations have actually become examples of female disempowerment; in NWFP, for instance, policewomen are not allowed to leave the station without the permission of senior male police officers.¹⁴¹

Nor was there much interest in improving the working conditions of female police officers or their functioning. Instead of preventing violent crime against women, the female police today merely assist their male counterparts in maintaining order as and when required; their only gender-based role is restricted to detaining women in their lock-ups.¹⁴² Women police officers, even in exclusively female stations, are unable to register a case without clearance from their male superiors and have no powers of investigation. "We are neither given proper training nor allocated

¹³⁵ See www.cplc.org.pk/content.php?page=10.

¹³⁶ See www.cplc.org.pk/content.php?page=13.

¹³⁷ Crisis Group interview, Karachi, May 2008.

¹³⁸ "Interior Ministry decides to rehabilitate displaced people of NWFP and Balochistan", Associated Press of Pakistan, 15 May 2008.

¹³⁹ See Crisis Group Asia Report N°138, *Reforming Afghanistan's Police*, 30 August 2007.

¹⁴⁰ There is one female police station in Balochistan, two in the NWFP, three in Sindh, two in Punjab and one in Islamabad. Additionally, there are special cells for women detainees in four regular police stations in Karachi, one station in Rawalpindi and one station in Sialkot. See "Women Police Stations", Society for the Advancement of Community, Health, Education and Training, at http://sachet.org.pk/home/g_for_gender/women_police.asp.

¹⁴¹ Azka Tanveer, "Police and Gender Crimes: Protection vs. Perpetration", *SDPI Research and News Bulletin*, vol. 13, no. 2-3 (March-June 2006), at www.sdpi.org/help/research_and_news_bulletin/march_june_06/police_and_gender_crimes.htm.

¹⁴² Aroosa Masroor, "Women's police stations remain victims of neglect and official apathy", *The News*, 2 May 2008.

sufficient resources, which explains why most women who join the police do so only if they can find no other profession”, said a female police officer in Lahore.¹⁴³

The need for more and fully functional female police stations and complaint cells is especially acute. Custodial sexual abuse of women by policemen has increased alarmingly. While police officers are not authorised to detain women in male lock-ups or to interrogate them without the presence of female staff, such detentions have become commonplace.¹⁴⁴ Moreover, since most male police officers, particularly the less educated at the lower end of the hierarchy, demonstrate little gender sensitivity with regards to crimes against women, especially rape, female victims are understandably reluctant to approach them.

C. MOVING FORWARD

The PPP-led government has begun to examine ways in which the police could be reformed. In May 2008, the National Public Safety Commission (NPSC) meeting resulted in the establishment of a committee under the FIA director general to suggest amendments to the Police Order within 30 days. That deadline has lapsed with no action taken, indicating the resistance of some police bodies, or at the very least officials, to reform and oversight.¹⁴⁵

According to sources within the National Police Bureau, which functions as the NPSC's secretariat, the Police Order will not be scrapped but Musharraf's 2004 “arbitrary and mala fide [bad faith]” amendments would be removed and the order returned “as closely as possible to what it was like when originally framed”.¹⁴⁶ The government has also set up another committee, headed by the director general of the National Police Bureau, charged with preparing a welfare package for the police, to improve salaries, health facilities and other benefits, particularly for junior ranks. Police morale would also improve if the government provided meaningful pensions to the families of officers killed in the line of duty and publicly recognised their acts of bravery.

It also appears that the government intends to return the anti-crime and economic wings of the National Accountability Bureau to the FIA and restrict the former's powers to dealing with “major financial

scams”.¹⁴⁷ However, merely limiting the NAB's powers would be insufficient. The ruling coalition would be better served by adhering to the Charter of Democracy its leaders signed in 2006, which called for the NAB's replacement by “an independent accountability commission, whose chairman shall be nominated by the prime minister in consultation with the leader of opposition and confirmed by a joint parliamentary committee with 50 per cent members from treasury benches and remaining 50 per cent from opposition parties in same manner as appointment of judges through transparent public hearing”.¹⁴⁸

The newly-elected governments in the centre and the provinces have also decided to increase the size of the police force. The PPP-led government in Sindh, for instance, has announced an immediate recruitment of 8,500 personnel and pledged to recruit an additional 10,000 every year until the force is sufficient to meet the province's needs. The federal government, too, intends to increase the size of the federal forces and to set up a separate Islamabad Constabulary.¹⁴⁹

PPP Co-Chairman Asif Ali Zardari has supported the transformation of the police into a “superior service”, with operational autonomy, free from all financial and administrative pressures. While his suggestion and other proposed measures have been welcomed in police circles, there is also concern that police appointments and those that have a direct impact on the force are being made far more on political than professional grounds.

Many officers are unhappy, for instance, with the appointment of a former FIA official, Rehman Malik, as adviser to the prime minister on interior matters, in effect in charge of the federal police and its affiliated bodies.¹⁵⁰ “How can police performance ever improve when men who do not enjoy its respect are put in charge of running it?” asked a former officer.¹⁵¹ If the government is indeed committed to reforming the police, it should ensure that such political appointments are made after wider consultation with parliament and coalition partners and with the input of police management bodies.

¹⁴³ Crisis Group interview, Lahore, November 2007.

¹⁴⁴ Tanveer, op. cit.

¹⁴⁵ “Interior Ministry decides to rehabilitate displaced people”, op. cit.

¹⁴⁶ Crisis Group interview, Islamabad, May 2008.

¹⁴⁷ Zulqernain Tahir, “FIA may get two wings back from NAB”, *Dawn*, 4 April 2008.

¹⁴⁸ Charter of Democracy, op. cit., Article 13 (d).

¹⁴⁹ Crisis Group interview, police official, National Police Bureau, Islamabad, May 2008.

¹⁵⁰ A controversial figure, Rehman Malik served in the FIA during Benazir Bhutto's second tenure as prime minister and went into exile after her government was ousted.

¹⁵¹ Crisis Group interview, Peshawar, April 2008.

VIII. CONCLUSION

Retaining the Police Order in its totality, amending it or even scrapping it altogether is the prerogative of the democratically-elected governments that have now taken power at the centre and in the provinces. Police opinion should, however, be ascertained first, as must be the views of relevant segments of civil society, including lawyers and the media, so as to evolve a national consensus on how to transform the police into a disciplined, efficient and modern organisation that serves and protects citizens. As an immediate first step, the amendments made to the order in 2004 must be removed.

Whatever the fate of the Police Order, the police will not be reformed merely through changes in legislation; those must be accompanied by a new mindset, most particularly on the part of the political executive. If the system of policing is to be truly reformed, operations must be insulated from political interference. Postings, transfers and recruitments must be made solely on merit, and the best way of ensuring this is to empower the public safety commissions. They must be allowed to perform their supervisory role free from political pressures. For that to happen, they should be transparently constituted, with parity between members from ruling and opposition benches.

The government and its Western allies would be best served by reallocating resources from the military to the police. The police and civilian intelligence agencies are far more appropriate than the military for internal security functions, if militancy, extremism and terrorism are to be effectively curbed, but they must be given the tools they need. This means more money, better training and the latest weapons and equipment, as well as an end to military dominance and control of internal law enforcement institutions, processes and decision-making. The Intelligence Bureau should replace Inter-Services Intelligence as the premier intelligence agency.

Democratically-elected governments at the centre and in the provinces, unlike their military predecessors, have to meet the demands of their constituents for safety and security. Without reforming the police, they will fail in this. Police reform should, therefore, be high on their agenda. However, the elected representatives of the people would do well to remember that the police can never be reformed until they work with each other across partisan lines, as well as with the police and other relevant players, to evolve a consensus on making an agency that serves the public and not the party or parties in power. Only through such a consensus can an effective system of policing be put in place that will gain the confidence of the citizen and protect the security of the state.

Islamabad/Brussels, 14 July 2008

APPENDIX A

MAP OF PAKISTAN



Map No. 4181 Rev. 1 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 135 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

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