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### Pakistan: Profile of Asylum Claims and Country Conditions 2005

Following is information that may be useful to Immigration Judges and others as they consider asylum cases in which the applicant is a Pakistani national. A review of a large number of asylum applications from 2003/05 indicates that a majority of requests fall into one of four categories: applicants who seek asylum because they are members of the Shi'a sect of Islam; applicants who fear persecution as Christians; those who claim persecution because they are members of the Ahmadi sect of the Muslim religion; and applicants who are members of opposition political parties, most notably the Pakistan People's Party (PPP), the Pakistan Muslim League-Nawaz (PML-N), and the Muttahida or Mohajir Qaumi Movement (MQM).

Much of the information below is taken from recent Department of State publications, specifically the 2004 editions of the Country Reports on Human Rights Practices and the International Religious Freedom Report. These publications should be consulted for more detailed information.

#### Overview of Political Structure

Pakistan is a federal republic, although the military retains a major role in governing the country. In October 1999, General Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif. The Pakistani Supreme Court later sanctioned the coup; however, it directed Musharraf to restore elected government within 3 years. Musharraf assumed the presidency by decree in 2001, while continuing as Chief of Army Staff. Pakistan held a nationwide referendum in April 2002 that extended his presidency for 5 years. Four months after the referendum, President Musharraf announced a controversial package of constitutional amendments, the Legal Framework Order (LFO), which amended the suspended Constitution, allowing the President to dismiss the Prime Minister and dissolve the Parliament, to create a National Security Council (NSC) as a constitutional body, and to insert a number of qualification requirements for Parliamentary candidates. Most of these provisions were later adopted as the 17th amendment to the Constitution. The amendment also affirms Musharraf's presidency until 2007 and his right to serve concurrently as Chief of Army Staff. In October 2004, over opposition protests, Parliament passed a bill that exploits a loophole in the Constitution to extend the exemption until 2007. The 17th amendment also allows the President to dissolve Parliament but requires him to obtain the consent of the Pakistan Supreme Court within 45 days after doing so. Opposition parties say the amended Constitution legitimizes the powerful role of the military in politics and leaves a great deal of power in the hands of the President.

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Staggered elections were held for local governments in 2000 and 2001 and for the National Assembly and Provincial Assemblies in October 2002. Domestic and international observers criticized the elections as deeply flawed. As a result of the 2002 elections, the subsequent indirect Senate elections, and a number of defections between parties, a ruling coalition led by those factions of the Pakistan Muslim League (PML) that distanced themselves from former PM Sharif currently holds a majority of the in the National Assembly and in the Senate, as well as majorities in the Punjab and Sindh Provincial Assemblies. The Islamist MMA coalition has a majority in the North West Frontier Province (NWFP), and is the junior partner in a coalition with the PML in Baluchistan.

#### Patterns in Asylum Requests

As noted earlier, the majority of asylum applications received from Pakistan in the last year consist of applicants claiming persecution based on membership in one of four groups: the Shi'a sect of Islam; the Christian minority; the Ahmadhi sect of Islam; or certain political parties. Here is some background information on each category.

#### **Shi'a sect of Islam**

An estimated 10 to 15 percent of the Muslim population of Pakistan, and 8 to 10 percent of the overall population, is Shi'a, including some 550,000 to 600,000 Ismailis, a subset within the Shi'a sect. Despite the Pakistani Government's ban on groups involved in sectarian killings, violence between rival Sunni and Shi'a organizations continues. In particular, Sunni extremists with connections to militant organizations such as Sipah-e Sahaba Pakistan (SSP) and Lashkar-i-Jhangvi have targeted Shi'a Muslims, particularly Shi'a professionals in Karachi and members of the Hazara ethnic minority in Baluchistan. According to the Department of State's 2004 International Religious Freedom Report, some Sunni Muslim groups publish literature calling for violence against Shi'a Muslims. Pakistan's Shi'a minority are the most frequent targets of religious extremist groups and are disproportionate victims in individual and mass killings.

#### **Christian**

According to the 2004 International Religious Freedom Report, Christians make up 1.69 percent of the population of Pakistan and during 2003-2004, sectarian violence against Christians increased. Discriminatory religious legislation has fostered an atmosphere of religious intolerance, which has contributed to acts of violence directed against Christians. Local authorities and/or security personnel in parts of the country restrict the distribution and display of certain religious images, such as the Holy Trinity and Jesus Christ. The application of such restrictions appears based on prevailing local sentiment. According to the 2004 IRF report, the Christian community has documented instances of the use of excessive force by the police and police inaction to prevent violent and often lethal attacks on members of their community. Anti-Christian sentiment also fueled hate campaigns from various Islamic militant groups; and during late 2002 and early 2003, there was reportedly a rise in crimes against Christian women, who were beaten, kidnapped, gang-raped, disfigured, and forced to convert to Islam at gun- or knife-point.

### Ahmadis

The Ahmadis consider themselves Muslims and adhere to Islamic practices but do not accept that Muhammad was the final prophet. Ahmadis officially constitute 0.35% of the population, but this number is understated due to a continued Ahmadi boycott of the census and voter registration processes. The Second Constitutional Act of 1974 declared Ahmadis to be non-Muslim. Section 298 (c) of the Penal Code prohibits Ahmadis from calling themselves Muslims or posing as Muslims; from referring to their faith as Islam; from preaching or propagating their faith; from inviting others to accept the Ahmadi faith; and from insulting the religious feelings of Muslims. Ahmadis routinely face government harassment, societal discrimination, and occasionally violence, including killings that are condoned and encouraged by some Islamist leaders.

### Political Opposition Groups

The Pakistani Peoples Party (PPP), the Pakistani Muslim League – Nawaz (PML-N), and the Muttahida or Mohajir Qaumi Movement (MQM) are three major secular political parties in Pakistan. Former Prime Minister Benazir Bhutto leads the PPP, and former Prime Minister Nawaz Sharif heads the PML-N. All three parties have been hampered in their political activities because their leaders are in exile. While Pakistani Government harassment of prominent PPP and PML-N activists has occurred, there is no generalized violence or harassment against their members or supporters. The MQM is an urban Sindh-based political party that originated with members of the Mohajir community, consisting of Muslims from India who migrated to Pakistan at the time of independence. The MQM is divided into two factions that have periodically engaged in violent confrontations. The larger faction MQM (Altaf) is currently part of the national and Sindh provincial government. It has used its position to encourage government and security force harassment and violence against the rival MQM (Haqiqi) faction. Both MQM (Altaf) and MQM (Haqiqi) are believed to engage in reprisal assassinations of local government and security force officials.