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Pakistan

Fundamental rights under attack

- News from around the world -

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The Awami Workers' Party (AWP) expresses deep concerns over recent news reports about the Interior Ministry's intentions to extend for another two-year period an amendment made to the Anti-Terrorism Act allowing preventive detention of up to three-months of those charged under the ATA," AWP general secretary Farooq Tariq said.

The amendment, made in June 2014, has denied safeguards against arrest and detention, enshrined in the Fundamental Rights and Principles of Policy section of the Constitution, to those charged under terrorism laws. It has also deprived such individuals from exercising their fundamental right to a free and fair trial, he said.

The ATA in general, and the amendment allowing preventive detention in particular, deprive those charged under the law of several crucial fundamental rights and civil liberties, suspending their social contract with the state of Pakistan. "It is, therefore, extremely important that the purpose of the Act and the specific amendment and the terms and conditions laid out in it be debated extensively and the uses to which the Act and the amendment have been put so far evaluated critically before any decision is reached on extending the amendment allowing preventive detention."

Tariq said the debate had to begin with the notion of terrorism so that political actors could determine what actions constituted terrorism. Section 6 of the ATA categorises as terrorism actions concerned with intimidation of the government, public or a section of the public; insecurity in society; and pursuance of religious, sectarian and ethnic causes.

"Such a description allows security agencies considerable room for interpretation," Tariq said. "As of now, the ATA is being used to undermine a range of progressive political activities and stifle voices against lack of representation for people of the FATA and Gilgit-Baltistan and lack of a voice for people of smaller provinces like Balochistan in the currently established federal framework of governance as well as those against social and economic injustices including unfair distribution of resources like agrarian land and affordable access to housing and municipal services."

AWP leaders like Baba Jan (of G-B) and Ghulam Dastagir (of Muridke's Dera Saigol) are facing prison terms. Its activists from I-11 katchi abadi of Islamabad are being tried in court. Some Anjuman Mazareen Punjab workers are in preventive detention for their association.

The Protection of Pakistan Act is also set to expire in July this year. Like the ATA, Tariq said, the POPA dealt with generic concerns about security and defence of the country. It was enacted in 2014 around the same time when a military operation was launched in the FATA. Its stated purpose was to facilitate the military establishment in reinforcing the writ of the State in areas previously governed through colonial era arrangements of indirect rule (FATA) or where segments of population have taken up armed struggle for greater self determination. "Though, there has hardly been any progress in its enforcement, its use (in case of an extension) is likely to be beset by similar concerns