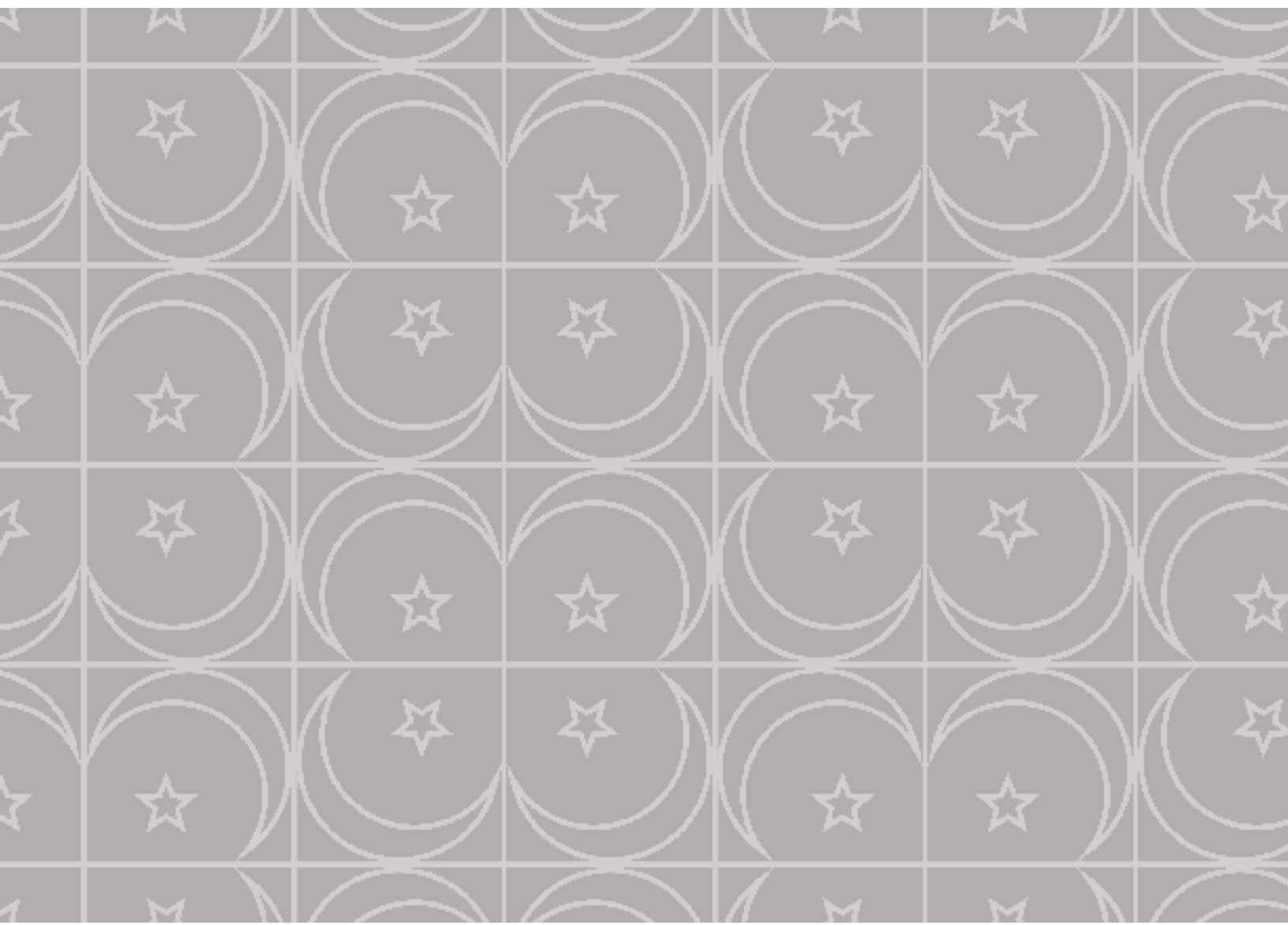


# STABILIZING PAKISTAN THROUGH POLICE REFORM

HASSAN ABBAS, EDITOR



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July 2012

**Asia Society**  
**Report by the Independent Commission on**  
**Pakistan Police Reform**

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# Foreword

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In the coming years, Pakistan will continue to face a range of challenges stemming from both internal and external factors. In addition to the transnational and regional threats of terrorism, Pakistan is also experiencing domestic security challenges posed by rising religious extremism and militancy, kidnappings, organized crime, insurgencies, and political assassinations. Increasingly fragile internal security and law enforcement systems will likely pose grave difficulties for the country. In light of the trends of increasing insecurity and instability, how the police and other law enforcement bodies are structured and how they coordinate efforts to combat security threats deserve greater attention.

Despite frequent internal crises in Pakistan since the country was established in 1947—ranging from ethnic and sectarian conflicts to chronic political instability and underdevelopment—policy makers have neglected to prioritize police reform. High crime rates throughout the country, relatively low conviction rates of prisoners on trial, and heightened concerns about instability spilling over from Afghanistan indicate that there is an urgent and critical need to invest in and reform Pakistan’s law enforcement infrastructure.

Against this backdrop, Asia Society convened an Independent Commission on Pakistan Police Reform composed of leading experts in Pakistan and the United States and under the direction of Dr. Hassan Abbas to think through ways to strengthen security sector reform efforts. The Commission’s culminating report, *Stabilizing Pakistan through Police Reform*, draws on extensive interviews conducted throughout Pakistan with experienced police officials, security analysts, and legal experts, in addition to essays contributed by experts in the field, to provide a much-needed framework for police and law enforcement reform throughout the country. Each chapter focuses on an area that is in need of reform and presents a set of policy recommendations aimed at developing systematic strategies to counter extremism, terrorism, and crime. Taken together, the findings and recommendations are broadly supported by the Commission. This effort builds on the internal security recommendations put forward by Asia Society’s Pakistan 2020 Study Group, which published its report, *Pakistan 2020: A Vision for Building a Better Future*, in May 2011.

On behalf of Asia Society, I would like to express deep appreciation to the members of the Independent Commission on Pakistan Police Reform for devoting their expertise and vast experience to this project. I also wish to thank the additional contributors who provided insightful essays to this report. I am especially grateful to Hassan Abbas, our project director, for leading this endeavor. Dr. Abbas traveled throughout Pakistan to interview nearly 60 senior and junior police officials, as well as government officials, civil society representatives, and policy experts in Islamabad and Washington, D.C. I also would like to thank the College of International Security Affairs at National Defense University for hosting

those contributors who were serving as Hubert Humphrey Fellows and provided crucial assistance to Dr. Abbas throughout the research process. Special thanks go to Johan Kharabi, our project manager, for coordinating the report's many pieces from the initial stages to the final product. Thanks are also due to Nida Naqvi and Robyn Mak for their research and editing assistance.

**Suzanne DiMaggio**

Vice President, Global Policy Programs

Asia Society

July 2012

# Preface: Is Political Will Necessary for Police Reform?

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*Aitzaz Ahsan*

**A**lthough this report focuses on Pakistan, it contains chapters that cover police reform throughout South Asia and beyond. The contributors examine a range of topics, including political interference in policing, career advancement, judicial oversight and court processes, training and workload, technology and police capacity, counterterrorism, intelligence, and the military.

Overall, the picture that emerges is dismal. The single thread running through this volume is that Pakistani governments lack the political will to reform the country's police force. The main reasons for this absence of will fall into three areas: societal, structural, and historical.

The societal reality is that the measure of all power in Pakistan is the ability to abuse it. The *yaron ka yar* officer (a friend of friends) is admired. He who bends the rules to favor friends finds a place of honor in society. Police officials are particularly prone to this perverted social ethic. Hence, both the police and government must demonstrate the will to quash the urge to do wrong in the service of friends or colleagues. Surgery, not mere medication, will be required to purge this deeply engrained attitude. An example has to be set, without exception, for the will to reform to prevail.

The structural reality is that the civil and military bureaucracy, including the police, is far more entrenched than its political masters, who, on occasion, get an opportunity to come into government but not into power. The fact is that a well-oiled and structured civil and military service long preceded the emergence of a political elite in South Asia. A colonial bureaucracy ruled the masses long before a political elite evolved to contest for space and authority.

In Indus (Pakistan), a political elite capable of asserting supremacy has only recently emerged. The Raj maintained Indus as a recruiting ground for soldiers and an agrarian appendage. This helps explain why the military, police, and bureaucracy (which also administers canals, railways, and revenue) were so dominant. Agro-based and feudal political parties were easily kept under control. With no bourgeoisie, no challenger to the status quo existed.

Indian political parties did better, experiencing the awakening of a nationalist bourgeoisie. Impelled by international wars and fearing for maritime communications, the British Empire gave the bourgeoisie a share in imperial trade and industry. The Indian bourgeoisie entered into a nationalistic and democratic struggle as early as the nineteenth century and was ready to take its rightful place of authority in the twentieth. Pakistan, which was dominated by imperial state structures and bereft of a nationalistic bourgeoisie, was never able to shake off the imperial yoke, even after partition. India, on the other hand, took that step

rather quickly. As a result, Pakistani police officials continue to exercise influence on politicians, seeking their own unmerited positions and postings.

The third reality can also be understood from a historical perspective, but it mainly concerns technology. Throughout history, the status quo has been broken by technological advances in weaponry and restored only after equal responses have been devised. Iron weapons overcame Bronze Age armies. The iron-pointed javelin and the arrow were countered only when suits of armor and shields were forged. The machine gun wreaked havoc until the armored tank was commissioned during World War I. The anti-aircraft gun was to World War II spitfires what the Patriot anti-missile batteries are now to the ballistic missile. But has technology advanced to counter the latest weapon of war and insurgency: the suicide bomber?

There has been experience with similar forms of human suicide, but nowhere has there been such an unending conveyor belt of “human bombs” that cannot be told apart from their victims. Their presence saps the morale of the police, who are a prime target. They also scare away investment, exacerbating the very socioeconomic problems that help produce even more of these lethal automatons. It is a vicious cycle. Israel countered a continuous series of suicide bombers by raising a wall and using robots to disarm or detonate them. But what do you do when these automatons are created and launched from within densely populated areas? Walls cannot be built to insulate and intersect crowded areas.

This challenge stares us in the face. Conveyor belts of terror will need to be jammed and *madrassahs* will need to be closely monitored. Intelligence, of course, has its limits: the September 11, 2001 attacks in the United States and the July 7, 2005 bombings in London are prime examples. To uproot the problem in Pakistan, police will need sophisticated weaponry, effective equipment, intelligence capability, and training in the legal processes of entry, search, and apprehension.

The multifaceted problem will have to be understood in order to be addressed. Although nothing can be achieved without the will to do so, scarce resources cannot be squandered without a realistic appreciation of the existing and emergent realities on the ground.

# Executive Summary and Report Findings

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*Hassan Abbas*

*A state cannot achieve sovereign national authority without an ability to protect its supporters throughout the nation. Basic military control is not sufficient to provide such protection for individual citizens until it is complemented by effective policing and law enforcement.*

—Roger Myerson, Nobel Prize Laureate, University of Chicago<sup>1</sup>

**T**his report seeks to provide a much-needed framework for police and law enforcement reform in Pakistan in the hope that the country’s policy makers and political actors will incorporate police reform into the national agenda. It is encouraging to note that some political parties in Pakistan are now emphasizing the need for police reform in their political manifestos.<sup>2</sup>

The perspectives covered in this report reflect debates on the subject that are taking place both in Pakistan and internationally.<sup>3</sup> Although many chapters assess structural flaws of the police force, the recommendations presented here are geared largely toward procedural aspects. It must be emphasized that even small steps matter, as these can be useful to begin repairing larger problems. Many aspects of this study are equally relevant to other South Asian states and to developing states elsewhere.

Pakistan’s efforts to combat crime and to counter terrorist activities are being outpaced by the innovation and agility of criminal networks and protean terrorist organizations. Radicalized elements within the political and religious spheres further complicate security challenges. Internal efforts to build a stronger police force are discernible but limited in scope. A rise in police salaries in some provinces is a positive step, for instance, but that in and of itself will not enhance police performance. As this report illustrates, Pakistan’s police system suffers severe deficiencies in a number of areas, including equipment, technology, personnel, training, and intelligence capability. Moreover, the political will needed to address these issues is largely missing. Besides a poor public image, both the police leadership and the rank and file appear to lack a sense of accountability to the public they are meant to serve. Moreover, the system simply is not structured to reward good behavior, as merit-based opportunities for professional advancement are scarce, low pay is the norm, and a lack of support and resources compels even many well-intentioned officers to misuse their authority in order to survive.

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<sup>1</sup> Roger B. Myerson, “Rethinking the Fundamentals of State Building,” January 2011, accessed July 2, 2012, <http://home.uchicago.edu/~rmyerson/research/prism10.pdf>.

<sup>2</sup> See, for instance, “An Agenda for Resurgence: The Manifesto of Pakistan Tehrik-e-Insaf,” accessed July 2, 2012, <http://insaf.pk/AboutUs/Manifesto/tabid/138/Default.aspx>.

<sup>3</sup> Interviews with police officers, civil bureaucrats, and politicians, Lahore, Islamabad, and Karachi, July 2011, October 2011, and February 2012.

The quality of the curriculum in Pakistan's police training schools is in need of serious improvement. Currently, training courses provide neither adequate nor proper coverage of critical topics such as interrogation, victimology, and the treatment of vulnerable groups. Even when forces are staffed with quality personnel, law enforcement bodies often lack the technological resources needed to combat the most serious threats to internal security. In most cases, police equipment is either outdated or nonexistent, while bureaucratic obstacles, intra-agency rivalries, and a lack of funding prevent the police from obtaining the technology needed to track down suspects. Pakistan lacks the capability to retrieve DNA from the items used by the accused in a case, for example. While the establishment of new forensic laboratories in the country, in particular an advanced one in Lahore, is a hopeful sign in this dismal scenario, most of these facilities are not yet fully functional.

A well-defined counterterrorism strategy, which is lacking at present, would establish a clearer role for the police in maintaining internal security. The National Counter Terrorism Authority (NACTA), established in 2009, seemed to be a promising step in the direction of coordinating and integrating the national counterterrorism effort between the military and the police, but the civilian agency failed to take off as a result of political bickering over control. At the same time, antiterrorism laws have failed to give law enforcement agencies and civil law institutions the power to handle cases effectively. For example, Anti-Terrorism Act 1997 established antiterrorism courts with powers to pursue terrorism suspects, but the law's broad definition of "terrorism" has allowed for abuse by authorities, while also making it difficult to convict terrorists. The statistics are astounding: In 282 out of 447 high-profile terrorism cases (63 percent), tried suspects were acquitted by antiterrorism courts in Punjab Province in 2011.<sup>4</sup> There are many reasons for this poor record. According to Babar Sattar, an accomplished Pakistani writer and lawyer, "It is not infirmities in our criminal procedure code or the evidence act, but the predominant role of the ISI and the army in performing internal security duties not backed by law that largely explains the lack of convictions in terror cases."<sup>5</sup>

To fully reform Pakistan's police, policy makers in Pakistan and across the globe will need to better understand the root causes of the problem. This is critical to replacing the current capture-and-kill approach with a methodology that seeks to rehabilitate captured militants and address the causes of terrorism. While Pakistan has already made some progress in this area through its de-radicalization program, the initiative remains limited in scope.

Maintaining good relations with the public is crucial to the success of all police activity. This is especially relevant with regard to the treatment of women, children, and minorities. The average Pakistani citizen does not trust the police. In its role as a liaison to the public, the media can play a helpful role in exposing the wrongs committed by the police as well as reporting good performance. Indeed, in the face of increased terrorist attacks specifically targeting police, the police force has rendered many sacrifices. Two of Pakistan's best police officers—Safwat Ghayur and Malik Saad—died at the hands of suicide bombers. Stories like these demand proper media attention.

Shifting all of the blame onto the police force—whether done by the public, media, or government—is unfair and unproductive. The hard truth is that as the state's most visible representative, the police force

<sup>4</sup> Asad Kharal, "High-Profile Cases in Punjab: 63% Terror Suspects Acquitted," *Express Tribune* (Pakistan), January 28, 2012, accessed July 2, 2012, <http://tribune.com.pk/story/328280/high-profile-cases-in-punjab-63-terror-suspects-acquitted/>.

<sup>5</sup> Babar Sattar, "The 65-Year-Old Itch," *The News* (Pakistan), February 25, 2012, accessed July 2, 2012, <http://www.thenews.com.pk/Todays-News-9-94523-The-65-year-old-itch>.

faces the wrath of people who feel frustrated with the poor quality of governance. The question of who is responsible for not investing in law enforcement capacity building is seldom put forward.

Targeted international help can play a significant role in enhancing the capacity of Pakistan's law enforcement system to fight crime as well as terrorism. Support from the United States and the European Union can play a large role here. The United Kingdom's Department of International Development is already in the process of substantially increasing its funding and support for police reform in Pakistan. Pakistani police officers are generally appreciative of the efforts in this regard from the U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) and initiatives of the U.S. Department of State's Bureau of International Narcotics and Law Enforcement (INL).<sup>6</sup> ICITAP's support for the Pakistan Automated Fingerprint Identification System (PAFIS) and forensics (post-bomb blast training and specialized vans with equipment) and INL's support for updating standard police equipment and counternarcotic training are highlights of these programs. The FBI National Academy in Quantico, Virginia, has started to provide training opportunities for Pakistani law enforcement officers as well. However, the overall funding for these projects is no match for the resources provided to Pakistan for antiterrorism operations throughout the last decade, very little (if any) of which ever reached police institutions because it was so largely geared towards the defense sector. Both are important needs, but a balanced approach is needed to help Pakistan tackle internal and external challenges more effectively.

Police Order 2002 was a constructive effort, as it sought to set up institutions and mechanisms that would allow the police to function freely and honestly. The fact that the Order failed as a result of politicians seeking to consolidate their influence demonstrates how the lack of political will remains one of the crucial obstacles to reform. Of course, this problem extends to the police leadership, which has, by and large, struggled to exhibit the qualities needed to push reform forward. Not every shortcoming of the police can be attributed to a lack of political will. Internal professionalism and competence can enhance the capacity of police to defy unlawful instructions coming from any powerful institution or individual.

There are many avenues by which initiatives from senior police officers, the judiciary, military-run intelligence agencies, and the private sector can contribute to reforming the police. Important initiatives undertaken by the various nongovernmental organizations mentioned in this report are a clear example.<sup>7</sup> Many senior police officers, some of whom are members of the Asia Society Independent Commission on Pakistan Police Reform, took important reform steps in the face of obstructions from many sides. Collaborative efforts between the police in Lahore and the ISI after terrorist attacks on a local ISI office and a police training center in 2009 led to the dismantling of a very important terrorist network that had established a number of large ammunition depots in and around Lahore.<sup>8</sup> Additionally, the Citizens-Police Liaison Committee in Karachi could not have survived and improved without financial support from the country's private sector.

Academia and public policy centers in Pakistan must place a greater focus on policing issues. Courses on police studies, criminology, and the criminal justice system are seldom offered in Pakistan's educational institutions and, consequently, there is little research done on the subject. The Lahore University of Management Sciences recently initiated a project that involves working with police on mapping crime in Lahore. Other universities will need to emulate this kind of research.

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<sup>6</sup> Interviews with police officers in Lahore and Islamabad, July 2011 and February 2012; interviews with visiting Pakistani police officers, Washington, D.C., May - June 2012.

<sup>7</sup> The author wishes to thank Marvi Sirmed and Nadia Naviwala for providing relevant materials in this regard.

<sup>8</sup> Senior police officer, interview with the author, Lahore, February 2012.

It is not widely known that Pakistan is among the top five police-contributing countries to the United Nations over the last decade and that the professional performance of Pakistani officers serving in UN peacekeeping operations is rated highly. Unfortunately, Pakistan's Ministry of Interior has no mechanism in place to utilize the services of returning officers in a way that benefits the police. As a result, there is a great deal of untapped potential in this sphere.

The thinking of Asma Jehangir, Pakistan's leading lawyer and human rights activist, on the subject is important to note before proceeding to key recommendations based on the findings of the Commission: "Pakistan remains in the dog house of the international community mainly because its rulers refuse to accept that violence and conflict within the country are escalating and have serious ramifications for the entire region. . . . The rising crime graph is disturbing. The professional skills of our police, especially in investigating crime, have to be sharpened."<sup>9</sup>

## Key Recommendations

### Legislative

- Police Order 2002 must be implemented, with minor amendments, throughout Pakistan to ensure that the country is governed by a clear and uniform set of rules. It should be extended to Federally Administered Tribal Areas (FATA) in due course. A "commissionerate" system of policing can also be considered within this framework for all major cities with populations of 1 million or more.
- Anti-Terrorism Act 1997 should be revised to clarify the definitions of the crimes that it covers and to create categories for crimes that are currently outside the Act's scope.
- The leadership of the Federal Investigation Agency should be authorized to pursue complaints made against federal employees, regardless of their rank or status. The agency must be empowered to handle cases in anticorruption, terrorism financing, money laundering, cybercrime, and intellectual property rights.
- The establishment of a legal framework to make NACTA fully functional would be a major step forward. It should report directly to the prime minister.
- Ensuring tenure security for all federal and provincial police chiefs, in addition to the heads of FIA, NACTA, and the Intelligence Bureau, would help to minimize political pressure on these offices.
- At present, information collected by the country's intelligence agencies during interrogations cannot be used against suspects in legal cases. Legal provisions to make this information permissible, provided that arrests are made by law enforcement agencies and due process of law is followed, would greatly benefit the criminal justice system. Similarly, legal provision for wiretaps (involving court approval) would aid police investigations and prosecution.
- Modification of the Evidence Act and High Court Rules is essential to convening incognito trials, maintaining the protection of the identity of witnesses, and facilitating a simpler procedure for the admissibility of modern types of evidence (e.g., cell phone call data) in terrorism cases.

### Institutional

- An overhaul of the current system of promoting and hiring police would help to ensure reasonable and fair opportunities for advancement. This system must be transparent and free from political interference.

<sup>9</sup> Asma Jahangir, "The Path of Isolation," *Dawn*, April 24, 2012, accessed July 2, 2012, <http://dawn.com/2012/04/24/the-path-of-isolation-2/>.



- To check police corruption, the federal government should establish an independent police complaint authority under the leadership of a reputable retired Supreme Court/High Court judge in order to guarantee accountability at all levels of the force. Civil society and nongovernmental organizations should play an active role in guaranteeing the independence of all such oversight bodies.
- An improvement in working conditions and salaries and changes to organizational culture would help to create a force that is respected by the people and thus is more effective in maintaining security and stability. The success of the National Highways and Motorway Police is particularly instructive in this respect.
- Training and curriculum throughout the police academies should be revamped to address the needs of vulnerable groups, including women, children, and minorities. This can help increase their sensitivity, and strengthen the relationship between the police and the community. Training course books should be written in the standard, user-friendly style of contemporary training manuals, rather than in the dense style currently being employed.
- The government should commission a study of the viability of the new VIP Secret Service to protect top state functionaries and lessen the security burden on police and intelligence agencies.
- The National Assembly and Senate should appoint intelligence committees to monitor the performance of the intelligence agencies, including the Intelligence Bureau.

### **Counterterrorism Strategy**

- A special cadre of terrorism investigators with the expertise and resources that police currently lack must be created. There should be new positions for such experts at the basic police station level.
- The establishment of special units at each province's central police office would serve to facilitate rapid coordination with private cellular companies to get direct access to cell phone data of suspected terrorists as soon as the police acquire information on phone numbers.
- The country's de-radicalization program must be expanded and strengthened, giving the police a lead role. Post-release monitoring of reintegration should be conducted to ensure the program's success, and standardized procedures should be introduced at police departments across the country.
- As part of its de-radicalization approach, the police in Pakistan should pursue a behavioral reform program when dealing with inmates. This includes the better treatment of inmates and improved conditions in police stations and prisons.
- The experiences of Turkey and Indonesia offer relevant models for Pakistan's counterterrorism policies and reform efforts.
- The Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector (February 17, 2012) should be used to guide Pakistan's strategy.

### **Enhanced Coordination (Domestic and International)**

- Strengthened cooperation between the military and police would better enable Pakistan's civilian law enforcement bodies to take responsibility for internal security. Special training exchanges and the induction of soldiers into the police force at junior levels can benefit police readiness in field operations.

- Heavy Industries Taxila and the Pakistan Ordnance Factories, both of which are closely associated with Pakistan's armed forces and defense industry, can assist police by providing custom-built vehicles, equipment, and weapons such as armored personal carriers.
- Efforts should be made to bolster cooperation among the Intelligence Bureau, police investigators, and Inter-Services Intelligence in the pursuit of terrorist groups. Pakistan should consider setting up a formal intelligence sharing mechanism similar to fusion centers in the United States.
- It will be helpful to construct mutual agreed-upon mechanisms for intelligence sharing between Pakistan and neighboring countries. Other interested states can also aid the regional and global campaign against organized crime and terrorism.
- Greater coordination between international donors and local law enforcement stakeholders is crucial for better results on ground.
- An improved institutional relationship between the UN and Pakistan will enable the latter to utilize its officers with UN peacekeeping operations experience in a more effective way.
- The private sector should be encouraged to contribute to enhancing coordination between the public and police through institutions such as the Citizen-Police Liaison Centre (CPLC) in Karachi.

### **Resource Allocation**

- Properly understanding the factors that contribute to terrorism is critical. The government and the private sector should dedicate greater resources to expand quantitative and statistical research on the causes of terrorism.
- Police must be provided with the technology needed to combat criminals and terrorists. For instance, police should be given independent facilities for the interception of terrorists' communications, mobile-tracking systems, and telephone call data analysis. Investment in developing national databases on vehicles and weapons is long overdue.
- Capacity building within the Intelligence Bureau should be made a priority to cater to the needs of intelligence-led policing operations in selected areas of the country.
- The recently introduced independent prosecution service should be strengthened and fully supported by all law enforcement agencies.
- The government must undertake drastic structural reform to permanently end tension between the police and Levies Force in Balochistan. More locals should be employed as police in Balochistan instead of establishing more law enforcement training facilities in the province.
- Women should be encouraged to join the police. Equally as important, however, are more woman-friendly laws and gender-sensitized law enforcement personnel, whether male or female.
- Greater international support in the spheres of technical assistance, training, and modern equipment would assist Pakistan in building a police force that is capable of meeting the challenges of the twenty-first century.

# Introduction

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*Hassan Abbas*

No modern state can sustain itself in an unstable environment, let alone develop and progress. Although the domains of internal and external security are equally important in this context, developing states are generally inclined to dedicate greater resources to the latter. Arguably, however, internal challenges such as terrorism and ethnic or sectarian conflict can be just as destabilizing and destructive as military confrontation with an enemy state. When faced with a serious internal security crisis, it is crucial that a state pursue reform that entails capacity building within the law enforcement sector.

In Pakistan, we see an example of a developing state faced with a set of internal security challenges that are severely limiting its citizens' potential. The people of Pakistan are resilient, but state institutions are failing them. The transition to democracy deserves appreciation, but the lack of focus on providing security for its people demands criticism. A high number of terrorist attacks and increasingly troubling crime patterns tell the story of a state under siege. Networks of criminals and terrorists, often operating from ungoverned tribal areas, continue to collaborate. Tensions with India and Pakistan's proximity to an unstable Afghanistan and an isolated Iran do not help. An increase in targeted killings of political and religious leaders, attacks on armed forces and police, kidnapping for ransom by the Taliban, and "mob justice" incidents show just how daunting the challenges for the police have become.

One might assume that, as a result, the government of Pakistan has prioritized reform of the police and other law enforcement agencies, allocating budgets accordingly. This simply is not the case. A lack of resources, poor training facilities, insufficient and outmoded equipment, and political manipulation mar law enforcement institutions throughout the country. Still, the police force is one of the country's few institutions in which internal reform effort is actually under way.

*Stabilizing Pakistan through Police Reform* explores those aspects of police reform that are critical for jump-starting the process and highlights the obstacles that have derailed previous efforts. Section I, while looking at the historical impediments at play, assesses prevailing institutional challenges and identifies specific areas where critical reform efforts are required. Section II focuses on terrorism-related challenges in particular, exploring the nature of the threats, relevant legal issues, current de-radicalization efforts, and the status of the lead body created to devise a national counterterrorism strategy. In Sections III and IV, case studies are explored to cover these topics in depth. The final section draws lessons from police reform efforts in the international arena.

# The Criminal Justice System

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*Mohib Asad*

**A** malaise pervades the administration of criminal justice in Pakistan. Islamabad appears to be under siege; Punjab is replete with criminal activity in its towns and country; citizens of Sindh suffer from organized crime; Khyber Pakhtunkhwa wakes up to daily acts of terrorism; an insurgency continues to unfold in Balochistan; and sectarian killings are rampant throughout the country. Some 93 percent of Pakistanis believe crime to be the country's number-one problem.<sup>1</sup>

To fully appreciate the present-day snapshot of Pakistan's criminal justice system, it is useful to review the evolving political history of the Subcontinent over the last two millennia.

## A Brief History

Initially, Hindu rulers established codes to govern the region's many disparate states. While these codes were based mainly on the injunctions found in religious books, they were ultimately subject to the ruler's personal imperative. Because all land as well as its products, mineral resources, and analogous assets were the personal property of the ruler, the people enjoyed only such rights over these and their own lives as the king allowed.

The beginning of Muslim political ascendancy in the country commenced in the eighth century, when Arab generals and scholars began to make forays into the eastern provinces, and by the thirteenth century, Muslim rulers had established their base in much of what is today's Pakistan. By the mid-fifteenth century, Muslims had become major actors in the Indian power play. By the sixteenth century, Muslim dynasties had established Delhi as their stronghold, where they ruled as sovereigns over lesser Hindu states that paid homage to them. At the height of the most significant Muslim empire, the Mughal Empire (1526–1857), some four-fifths of all of the land and its people belonged to the emperor. Aside from Sufis, other religious personages closely followed the Muslim conquerors and brought with them an agenda for the conversion of locals to Islam. These rulers brought their contemporary brand of *sharia* with them, and a new strand of criminal justice was interwoven with the existing systems for dispensing criminal justice.

The vastness of the Subcontinent was such that until the mid-twentieth century, there were hundreds of princely states with their own potentates and administrative oddities. Even at the zenith of the Raj, the central British government found it more expedient and economical to live with princes, nabobs, khans, and the like, each administering criminal justice in his own way within his state. While in Europe, some form of the "social contract" started to take root in the eleventh century, this was not the case on the

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<sup>1</sup> United Nations Office on Drugs and Crime, Pakistan Country Program 2010–2014, for official use in Islamabad.

Subcontinent, where different shades of hereditary rulers continued to enjoy residuary privileges and temporal powers over the lives of their subjects until the nineteenth century.<sup>2</sup>

The first formal police institution was the office of *kotwal* in or around the seventeenth century, which was located in the town where the ruling family resided. As there was no standing army, the *kotwal* was generally a noble and had powers of arrest, search, and seizure. Judicial powers were invested in the *qazi* (or *qadi*), who usually came from a family of scholars trusted by the ruler and whose adjudications were based on local usage, culture, and religious injunctions. There were no prisons except those intended for political detainees. This system is notable for the fact that it was essentially the embryo of the “separation of powers” theory later followed by a large number of modern-day constitutions.

Sweeping change came with the spread of British rule from the seventeenth to the nineteenth century, first by the face of the East India Company and later by the proclamation of the empire in 1858, as the British imported the concepts inherent to European common law. The colonial power instituted legislation in the criminal justice area, notably the Criminal Procedure Code of 1898, the Evidence Act of 1872, and Police Act 1861. Lesser laws governing prisons followed. When Pakistan was formed in 1947, it inherited English common law, with its emphasis on due process through an intricate system of appeals as part of a tiered court system. Various informal dispute resolution systems—such as the *jirga*, the *panchayat*, and the *fatwa*—continued to coexist, as they do in the present.

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**Since 1947, the law and order situation has continued to deteriorate, according to public perception, media reports, and expert opinion.**

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Since 1947, Pakistan has had rulers of all kinds, including lawyers, bureaucrats, politicians, and army officers. On the whole, the law and order situation has continued to deteriorate, according to public perception, media reports, and expert opinion.<sup>3</sup> To appreciate the chaos in which Pakistan’s criminal justice system finds itself at the moment, it is essential to understand this historical backdrop.

## The Current Situation

The root of the problem facing the criminal justice system is that control over the power structure in Pakistan has consistently passed into the hands of politicians with a feudal mentality, aided first by bureaucrats and later by the army. Additionally, Pakistan has seen the emergence of right-wing religious groups that, over time, have become major pawnbrokers in the balance of power. Populist aspirations have been cast aside, and the ruling elite have found it useful to weaken all state institutions and thus keep a stranglehold on power. The country has gone through three martial law regimes spanning about half of its national age.

These regimes executed various political experiments. Government servants maintained constitutional guarantees safeguarding their terms and conditions of service for decades until the 1973 Constitution deleted the provision, opening the door for much greater government control over the civil service. By

<sup>2</sup> Enrico Pattaro, ed., *Treatise of Legal Philosophy and General Jurisprudence*, vol. 1, The Law and the Right, a Reappraisal of the Reality That Ought to Be (New York: Springer, 2005), 54.

<sup>3</sup> Mohammed, “Exploring Power Politics and Constitutional Subversions in Pakistan: A Political and Constitutional Assessment of Instability in Pakistan,” *Loyola University Chicago International Law Review*, vol. 7, no. 229: 101.

contrast, this did not happen in India, where the civil service is trusted by the public and is, by and large, free of politicians' control.

In Pakistan, the entire criminal justice system has been adversely affected by politically motivated policies and practices designed to weaken its structure. It has been noted that “officials who try to follow rules often face resistance and humiliation by being immediately transferred, disallowed from completing their tenures, made officers on special duty or subjected to baseless proceedings of a disciplinary nature [sic].”<sup>4</sup>

The continuum of the imperial mindset among law-makers and top governors has resulted in a criminal justice system in which institutions are weak and corrupt and are seen by the public not as services for the community, but as the strong arm of the status quo. The untidy situation requires comprehensive reform that addresses all of the institutions that make up the justice and security sector, with a focus on the processes and mechanisms for performance audit, oversight, transparency, accountability, and redress

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of public grievances related to state institutions. This can be done only through an integrated reductive approach, on the one hand, and the reinstatement of public confidence in law and order machinery, on the other. Because the public image of “good” law and order is based more on a perceived sense of security than the reality, it is of the utmost importance that civil society be brought on board in this national effort.

### The Structure of the Criminal Justice System

As it currently stands, Pakistan's criminal justice system lacks the capacity to fulfill its mandate. This problem is exacerbated by the crisis/post-crisis cycles through which the country has passed in the last four decades as a result of insurgencies, international terrorism, sectarian strife, organized crime, and corruption. To make up for the shortage of competent performance, there is widespread intimidation, harassment, torture, and violation of the fundamental rights of the civilian population by the police and other law enforcement agencies such as the civil armed forces—a classic example of conflict creation in which the official agencies are both a symptom and a cause of ongoing strife.

The half-million-strong police force in the four provinces of Pakistan has its origins in a constabulary staffed by former army officers during the Raj.<sup>5</sup> The face was altered after the empire was established in 1858 and the Indian Police Service was instituted; in practice, the service remained the political strong-arm of the viceroy. In 1947, the state of Pakistan inherited the system based on Police Act 1861 and the 1934 Punjab Police Rules. To reorient the body, several police commissions were formed, beginning with the Cornelius Commission in 1959 (report submitted in 1962)<sup>6</sup> and ending with, most recently, Police Order 2002. Notable among these was the Mitha Commission of 1969, which truly addressed the core issues.

<sup>4</sup> “Civil Servants and Politicians,” *The News* (Pakistan), March 14, 2012, accessed May 31, 2012, <http://www.thenews.com.pk/Todays-News-8-97525-Civil-servants-and-politicians>.

<sup>5</sup> Paul Petzschmann, “Pakistan's Police between Centralization and Devolution,” Norwegian Institute of International Affairs, 2010, 13, accessed May 31, 2012, [http://www.humansecuritygateway.com/documents/NUPI\\_PakistansPoliceBetweenCentralizationandDevolution.pdf](http://www.humansecuritygateway.com/documents/NUPI_PakistansPoliceBetweenCentralizationandDevolution.pdf).

<sup>6</sup> National Commission for Government Reforms, Prime Minister's Secretariat, Pakistan, “Report of the National Commission for Government Reforms on Reforming the Government in Pakistan,” May 2008, 26, accessed May 31, 2012, <http://www.ncgr.gov.pk/Forms/Final%20Report.pdf>.

## Challenges Facing the System

The Mitha Commission recommended an upgrade of the technical aids to investigation, improved logistics, career planning of police officers and officials, greater freedom for supervisory officers in operational matters, and overall control of the inspector general over the allocated budget. The Commission also called for the re-orientation of the police to become a service provider rather than a force. Then-president of Pakistan General Muhammad Zia-ul-Haq approved nearly all of the Commission's findings, but sadly, none was implemented, principally because the nonpolice bureaucracy resisted any changes to the status quo in which civil secretariats controlled the police through an intricate system of budgetary control and annual evaluation reports on police officers.<sup>7</sup> Many of the provisions of Police Order 2002 reflected the Commission's recommendations.

Further, political elites interfere in the institution, investigation, and prosecution of cases. The tenure of postings of all ranks from inspector general to the lowest rank is at the discretion of the chief minister. Police Order 2002 was enacted with a view toward diminishing political influence on the police and making the institution answerable to public bodies. Unfortunately, the major salutary provisions were diluted by amendments in 2004, and even the watered-down version has not been followed.<sup>8</sup>

The situation in lower criminal courts and the newly created prosecutorial agencies is similarly deficient. The National Judicial Policy, an attempt at reform, thus far has not had any visible impact.<sup>9</sup> The higher judiciary is working overtime to respond to incidents of notoriously overt bad governance and the miscarriage of justice, but their numbers and time are in short supply. The Law and Justice Commission of Pakistan has been able to correct pay scales and other provisions for judges, but not overall performance. The chief justice of Pakistan, speaking to a bar association in March 2012, expressed his severe displeasure at the delay and expense that the common litigant/plaintiff must endure to secure his legal rights through court. He went on to hold lawyers and lower courts equally responsible for the sad state of affairs.

Additionally, there is widespread corruption in those lower courts that are not in the ambit of either the National Accountability Bureau or the Anti-Corruption Establishment of the provinces. Recent amendments in the law have produced a situation in which civil judges are also the authority for criminal cases. The resulting situation is truly hodgepodge. Under earlier dispensation, police officers were prosecutors in court too, but new prosecution services are in the making in the provinces. Senior police officers are dissatisfied with this new arrangement, as they see conviction rates, already low, falling even further. It is commonly observed that the prosecution service is yet another tier of corruption; it is staffed by cronies of the elite. The situation is indicative of a turf war between the prosecution and the police.

## Recommendations

As a holistic, reductive approach, the following steps should be considered:

- Oversight of the criminal justice system by Parliament and the provincial assemblies should be increased.
- Greater emphasis should be placed on law and order and on the increased outlay of resources during annual budget allocations.
- Closer networking is needed between the subsystems of the criminal justice system.

<sup>7</sup> Aliya Anjum, "The Forgotten Hero," *Dawn*, accessed May 31, 2012, <http://archives.dawn.com/archives/12866>.

<sup>8</sup> International Crisis Group, "Reforming Pakistan's Police," Asia Report no. 157, July 14, 2008, 7–8, accessed May 31, 2012, [http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/157\\_reforming\\_pakistan\\_s\\_police.ashx](http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/157_reforming_pakistan_s_police.ashx).

<sup>9</sup> International Crisis Group, "Reforming Pakistan's Criminal Justice System," Asia Report no. 196, December 6, 2010, 12–13, accessed May 31, 2012, <http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/196%20Reforming%20Pakistans%20Criminal%20Justice%20System.pdf>.

- Reliable and real-time statistical information covering all aspects of the law and justice system through modern information technology management information systems is needed.
- A “commissionerate” system of policing should be introduced in all major cities with populations of one million or more. Such a system would create units within provincial jurisdictions in which the commissioner would have magisterial powers to enforce local and special laws within his area of command.
- The civil armed forces, such as the Rangers from Sindh and the Frontier Corps from Balochistan, should be removed from law and order duties.
- The police should be audited by the Ministry of Justice on an annual basis. Programs should be implemented to improve the quality of life for inmates so as to make prisons more comfortable, humane, and useful.
- The role of civil society organizations and nongovernmental organizations working in the human rights arena should be fostered, thereby creating a lobby for citizens’ rights.
- Increased oversight by international donors is needed. These donors must revisit the quality of their interventions in Pakistan’s justice system. Millions of dollars spent over the years have not made things any better; on the contrary, the situation continues to worsen.



# Police Corruption and Accountability

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*Afzal Ali Shigri*

**T**he police in Pakistan are perceived to be corrupt as a matter of course, and are thought to be largely, if not solely, responsible for the breakdown of law and order in the country and for the steady erosion of the criminal justice system. Apart from its effect on law and order, police corruption is also responsible for the weak prosecution of criminals, the failure of trial prisoners to appear in court, flawed court processing, and an alarmingly high rate of acquittal. Some have argued that police corruption merely reflects the corruption of Pakistani society at large. They contend that in a sea of corruption it is impossible to create islands of honesty and integrity. However, the truth about endemic corruption is more complex than this reductive explanation would imply.

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**Solutions to police corruption have been short term and invariably have relied on the promulgation of harsh laws and rules to deal with police misconduct.**

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This chapter will address the key internal police practices that contribute to corruption and propose solutions to deal with the issue. The police leadership in Pakistan so far has made minimal efforts to thwart the alarming rise of corruption within its ranks, the untrammled proliferation of which has paralyzed society. Thus far, solutions to police corruption have been short term and invariably have relied on the promulgation of harsh laws and rules to deal with

police misconduct. Such a strategy is futile as a means to root out police corruption. A closer look at the organization and functioning of Pakistan's police force suggests that these actions not only have failed to produce any positive results, but in fact have been counterproductive.

Solutions to police corruption should not entail blaming the police for societal problems or justifying corruption. Rather, the issue must be addressed rationally, looking at the root causes of corruption, and should be supported with the utmost political commitment. Otherwise, a prosperous and progressive Pakistan will remain a dream.

## **Political Interference in Policing**

Among the factors working against transparent and honest policing in Pakistan, political interference is particularly pernicious. In the name of political expediency, successive Pakistani governments have used the police as a tool to suppress political opposition, while military rulers have used the police to stifle dissent. Corruption thrives in such an environment, in which the police are used as an instrument of suppression rather than a service to the people. The government not only tolerates corruption but actually encourages it, with an eye on short-term gains. Command-level officers are often chosen on the basis of their willingness to comply with illegal orders, flout the law, or harass political opponents. In

exchange, the same officers are given license to indulge in corruption, with their illegitimate gains shared among fellow officers and their political masters. This mindset must change, and all political parties must agree not to use the police for political score settling.

In order to put an end to the cycle of political interference in policing and the corruption that it breeds, political intrusion in decisions concerning key police appointments should be eliminated. The selection of professional officers for key posts must be closely monitored through a transparent and accountable system in which civil society and all political parties play a role. Although such an arrangement was outlined in Police Order 2002, by diluting the force

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**Command-level officers are often chosen on the basis of their willingness to comply with illegal orders, flout the law, or harass political opponents.**

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of the law through successive amendments and failing to comply with even the diluted terms of the law, the government has damaged the process. These amendments have retarded the process of police reform by restoring unchecked discretionary power to the executive in controlling police establishments.

Presently, police officers are posted to key command appointments mainly on the basis of political considerations. This decreases the possibility of any future accountability among officers working at the management and command levels in these establishments. Internal accountability under the command of a person who is the instrument of political manipulation is impossible, and as a trickle-down effect, corruption flourishes in the rank and file of the police establishment. The few honest officers in key positions are unable to make any difference.

### Lack of Career Advancement Prospects

Beyond the vital issue of political will to establish a neutral police force, there is a critical need to review the archaic police structure, which stifles professional advancement. In its existing form, it is defective, unequipped to deal with modern day challenges, and alien to a democratic governance system. There are three facets to this issue: (1) professional stifling in the lower ranks, (2) abuse of the lower ranks, and (3) political manipulation in hiring.

#### Professional Stifling in the Lower Ranks

The police structure in Pakistan is still modeled on the system created under British colonial rule. Designed on the pattern of the Royal Irish Constabulary, its focus was to control and subdue the population, not to provide public service. To that end, uneducated and semiliterate personnel were recruited into the lower ranks. About 90 percent of the force was in the lower ranks, with the title of constable or head constable.<sup>1</sup> Most officers in the junior ranks had no prospects for advancement, and because experience was required for policing, these men—unlike those in the army or civil armed forces—were retained in the department until retirement age (60 years). They remained in the same rank for decades with no prospects for career advancement. Direct recruits in the middle (assistant subinspector or subinspector) and higher levels (assistant superintendent of police) formed a very small part of the total police establishment.

Presently, police forces comprise mainly lower-rank constabulary, despite some increases in the middle and higher ranks of the police hierarchy. Aggravating this uneven dispersal of personnel is the practice

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<sup>1</sup> This figure is based on provincial police department figures.

of sporadically creating standalone specialized units without a proper cadre—for instance, elite police units in the provinces, traffic wardens in Punjab, or the Highway Patrol Police in Punjab—at times in blatant violation of laws and rules. The members of these units find themselves stifled professionally, with little prospects for advancement or merger into the mainstream police force. The result is frustra-

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**There is little prospect for job motivation and job commitment from a mass of officers with such dismal career prospects.**

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tion, litigation in court, and, most significantly, a general attitude of economic desperation that drives officers to resort to bribery and exploit their positions of authority.

An analysis of Pakistan’s largest civil police force, the Punjab Police, is instructive. The province’s police force numbers 177,635 in all, of which 144,699 are among the lower ranks (head constables and con-

stables).<sup>2</sup> The remaining 26,084 recruits are positioned in the middle and higher ranks. Annual attrition attributed to retirement, death, and disciplinary action amounts to 9 percent in the middle and higher ranks.<sup>3</sup> This leaves 2,347 vacancies for direct recruitments and promotion. If we factor in the 25 percent reservation for direct recruitment of assistant subinspectors (stipulated in Article 7[3] of Police Order 2002), we are left with 1,761 annual vacancies. Deducting 9 percent attrition among junior-rank officers, we are left with about 131,677 officers who compete for promotion. Hence, there are disproportionately large numbers of officers in the lower ranks with few prospects for career advancement. This dismal situation persists in spite of recent improvements. The foregoing figures do not even include the 6,850 traffic wardens at the rank of subinspector who do not fit into any category, and so constitute a standalone force.

Experts on human resource management hold that one of the major drivers in employee motivation is career advancement. There is little prospect for job motivation and commitment from a mass of officers with such dismal career prospects. The natural outcome is a force of officers who are inclined to misuse their authority.

### **Abuse of the Lower Ranks**

The harsh treatment meted out to lower-ranking police officers by supervisors, and conversely, the lack of punitive action against higher-ranked officers is likewise demoralizing. An analysis of disciplinary actions in Punjab illustrates the disproportionate focus of departmental censure on lower-ranking officers. It is rare that an officer of the rank of assistant/deputy superintendent or above is punished under the tough laws and rules. In the Punjab Police, within a single year, 54,800 personnel were given punishments. Out of these punishments, 34,061 were given to officers in the lower ranks, while 18,820 officers at the assistant subinspector and subinspector rank were punished. Against this, only 32 officers at the assistant/deputy superintendent rank were given punishments.<sup>4</sup> Not a single senior police officer at the rank of superintendent of police or above was punished. The core issue here is that management practice in the police force is generally of the military style “man management” rather than the modern model of human resource management.

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<sup>2</sup> Police Headquarters Punjab, “Annual Administration Report 2011,” 9, accessed May 21, 2012, <http://punjabpolice.gov.pk/system/files/Annual%20Admin%20Report-2011.pdf>.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, 172–74.

### **Political Manipulation in Hiring**

Finally, promotions, postings, training, and rewards are subject to outside influence at every level, exacerbating an already flawed structure. Out-of-turn promotions and postings to higher positions form the basis of such patronage, resulting in the marginalization of honest and efficient officers. Further, officers at the command level are censured for refusing to comply with politically motivated or illegal orders. Thus, for the members of the police force, self-survival requires courting patronage. As a natural corollary, officers' loyalties shift from the state to patrons, whose motives are rooted in self-interest. If we take into consideration the practice of appointing officers to key positions on the basis of political influence, we are confronted with an incendiary situation in which little can be done to prevent predatory police from indulging in corruption. It is unrealistic to expect police personnel who are given short shrift to display empathy toward common citizens.

### **Working Conditions**

Working conditions for Pakistan's police are deplorable. Officers lack facilities for boarding, lodging, and conveyance. They are required to perform their duties for long, uncertain hours and under high risk, as they are at the frontlines of the fight against terrorism and organized crime. Politically manipulated police leadership naturally fails to appreciate these sacrifices and, as a result, sets unrealistic targets for its officers. Among frontline personnel, this results in low morale, low self-esteem, a defensive attitude, and a proclivity to corruption.

In Islamabad, officials have confirmed that residential accommodations for the constabulary do not constitute even 5 percent of the housing facilities needed for the total force. The case is the same, if not worse, in other big cities. In a costly capital city, police are forced to live in slums on the periphery. This not only is demoralizing, but also exposes them to the influence of the criminal elements in the neighborhood, fostering a nexus with criminals at the lowest operational level and planting the seeds of police involvement in crime. Although a community-friendly policing system throughout the world favors personnel living in proximity to the people they serve, because of poor living conditions and low wages in Pakistan, such a system has worked conversely, polluting the police.

### **Feudal Mentality**

The feudal mindset that exists within the police force arises from the enforcement of the diktat of a police leadership that is subject to patronage. Each officer posted to a key senior assignment as a result of political patronage creates his own space of influence, in which the parameters of functioning do not involve normal laws and rules, but rather the will of the political patron. This fosters corruption and graft and converts illegal earnings into wholesale dealings, creating an informal structure that works at cross-purposes with the formal system. This informal arrangement eventually connects with organized crime.

### **Recommendations**

Unfortunately, the current attitude of Pakistani politicians and policy makers is not encouraging. The External Oversight Committee and credible independent accountability system introduced by Police Order 2002 have not been implemented. In fact, some efforts are under way to design laws that would ignore the legal provisions of Police Order 2002 and instead draw from the old, outdated law. The provinces of Sindh and Balochistan, for instance, have adopted Police Act 1861 with only some changes.

Police Order 2002 was a step in the right direction, but its effectiveness was eroded before it could be fully implemented. If the national leadership wants Pakistan to have a reformed and honest police force,

it must move beyond piecemeal and symptomatic measures. Barring minor adjustments that may be necessary given the current situation, Police Order 2002 provides model legislation that safeguards the fundamental concept of a politically neutral and accountable police and provides a blueprint for effective and honest policing. The issue is whether there is political will to implement a reform agenda without reducing the integrity of the model's vision. Reforms can be implemented effectively, as demonstrated by the successful model of the National Highways and Motorway Police (NH&MP).

In order to be effective, police reform must be comprehensive, taking into account the core issues discussed in this chapter:

- Appointments to key police positions must be executed through a transparent procedure that is free of political interference.
- The police structure must be reformed to ensure reasonable opportunities for career advancement.
- An independent police complaint authority should be created that enshrines balanced rules for strict punishment, checks on arbitrary decision-making by the police leadership, and provides a credible accountability system for all ranks.
- Depoliticization of the police should be encouraged through the increased involvement of civil society. This can be done by reviving the practice of including members of civil society in police safety commissions at the district, provincial, and national levels, and by establishing citizen police liaison committees in every district.
- Efforts should be made to improve the living and service conditions of police.
- Training must emphasize service and the rule of law. Courses should contain case studies of instances in which human rights violations have brought suffering not only to victims, but also to perpetrators who blindly carry out illegal orders.

# Agenda for Reform

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Tariq Khosa

**T**he current state of Pakistan's police force is indicative of a weak and fragile state in which the "law of the ruler" takes precedence over the rule of law. As will be explained, successive political and military governments are largely responsible for the situation, in which the misuse of authority and poor governance have effectively led to the paralysis of the state.

## Historical Background

Mughal rule across the Indian Subcontinent was based on the principle of benign dictatorship, whereby kings subjugated communities through war or the threat of violence and ruled through edicts. Citizens were protected by the *kotwal*, similar to a modern-day police commissioner or sheriff, who was responsible for maintaining law and order. An archaic form of community policing was the order of the day, with community leaders collectively enforcing punishments for crimes committed within their jurisdiction. In cases of serious breaches of peace or heinous crimes, the *qazi* (judge) would resort to summary trial. People also could seek justice directly from the king by petition or by appearing outside his court. Although the justice system, by and large, was egalitarian, the king did not tolerate revolt or conspiracy. This was the period of the gallows and the guillotine, during which the king's party ruled the Subcontinent.

## British Rule

For many years, the British East India Company pursued mercantile interests and trade in the vast but unexplored territories held by the Mughals. As Mughal rule weakened in the nineteenth century, the British Empire saw an opportunity for India to become a jewel in its Crown. In 1857, the last symbolic hold of the Mughal king was abolished, and the British began to directly rule India as its colony. During the century that followed, until India and Pakistan achieved independence, various developments shaped the course of future policing on the Subcontinent.

Modern policing owes its origin to the London Metropolitan Police Act of 1829, which established the separation of powers between the executive and independent judiciary. The aims of the Raj forced the British Empire to adopt a different style of administration on the Indian Subcontinent, however. Governance was centered on the collection of revenue and the maintenance of order, both of which came at the expense of justice. This expediency resulted in the concentration of revenue, police, and judicial functions under one agent of the Crown, known at various stages of colonial rule as the district officer, deputy commissioner, or district magistrate. The responsibilities of this representative included collecting revenue from Indian subjects, doling out favors to loyal subjects, and using the coercive powers of the police to suppress the natives. The district magistrate and district superintendent, two key district functionaries of the police, were normally English officers charged with protecting the interests of the Raj.

This administrative design was sustained by a loyal class of feudal landowners established by the British to provide men and material to British administrators.

Revenue collectors and local police were so oppressive and corrupt that in 1855, the British were forced to form a commission (commonly known as the Torture Commission) to reform the administration of justice in India. Through the commission's recommendations and the subsequent debate in the British parliament, the rulers decided that the arbitrary nature of the local administration of justice needed to be curbed through a system of rule of law and separation of powers. In 1856, Calcutta, Madras, and Bombay were declared metropolitan towns where operationally autonomous police commissioners reported to an independent judiciary. The push for reform suffered a serious setback with the Sepoy Rebellion of 1857, which was ruthlessly quashed. Following this, the Indian Subcontinent came under direct British colonial rule for the next 90 years.

In the wake of the Sepoy Rebellion, the British focused on suppressing dissent, and to that end, it introduced the Irish Constabulary model of policing. The colonial power had intended to adopt this military model of policing as an expedient but temporary step. However, it soon developed into the preferred system of governance by rulers both before and after independence in 1947. After 1861, the police functioned as a militaristic arm of the ruling elite. As such, the police were perceived as a force ruling

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**Military ranks, discipline, drills, and standard operating procedures defined the policing ethos well after Pakistani independence.**

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over the population rather than a service provided to the community. Military ranks, discipline, drills, and standard operating procedures defined the policing ethos well after Pakistani independence.

#### **Military Rule after the Birth of Pakistan**

Pakistan's founding father, Mohammad Ali Jinnah, was a firm believer in the rule of law, democracy, impartial and apolitical administration, civilian control

over military matters, and the separation of powers in the administration of justice. In fact, one of the first decisions that he took as leader of the new state in 1948 was to approve a metropolitan system of policing in Karachi modeled on that implemented by the British in Calcutta, Madras, and Bombay in 1856 and in Hyderabad Deccan in 1939. Unfortunately, Jinnah died on September 11, 1948, and the bureaucracy, which was all-powerful in the initial period after independence, failed to implement his plan to police Karachi in a professional and apolitical matter. Subsequent political leadership failed to institute the founding father's dream of Pakistan as a liberal, enlightened, and democratic nation.

In 1958, martial law under General Ayub Khan set the stage for a situation in Pakistan in which the law of the rulers rather than the rule of law prevailed. Bureaucratic control over the police by the district magistrate, as laid out in Police Act 1861, continued to be the governance model for the administration of justice throughout the 1950s and 1960s.

The fall of General Ayub in 1969 and then General Yahya Khan in 1971 was followed by the dismemberment of East Pakistan and the beginning of democratic civilian rule under Zulfikar Ali Bhutto. In 1974, Bhutto created the Federal Investigation Agency (FIA), which was modeled on the Federal Bureau of Investigation (FBI) in the United States. Bhutto also created the Federal Security Force (FSF), which was modeled on the Indian Central Reserve Police. Bhutto then used the FSF, led by officers of Pakistan's police service, as an instrument for political persecution and revenge. This force, as well as the politically

motivated murder of the father of a Pakistan People's Party dissident, contributed to the downfall of Bhutto, ushering in the third period of martial law under General Muhammad Zia-ul-Haq beginning in 1977.

The 1980s can be described as a period of decadence in Pakistan's history. It was during this period that the mullah–military alliance was forged in the body politic of the country. In the wake of the 1979 Soviet invasion of Afghanistan and the Iranian Revolution that same year, the country witnessed a surge in state patronage to militants, a rise in sectarian violence, and unprecedented bloodshed. During this period, the police played second fiddle to the military, whose leader provided patronage to sectarian outfits and militant *mujahedeen* fighting the Russians in Afghanistan. The endgame in Afghanistan and the fall of the Soviet Union was followed by the demise of the military ruler in post-1988 Pakistan.

### **Political Interference in the 1990s**

The 1990s were characterized by a game of political ping-pong between Benazir Bhutto and Nawaz Sharif, both elected prime minister twice for incomplete terms. This period institutionalized political interference with the police to a far greater extent than at any other time in Pakistan's history. For the first time, there was a large number of officers on special duty in the bureaucracy and police services on account of political interference. These officers were divested of their regular jobs and made to sit at home while receiving salaries. Survival in office became the name of the game, resulting in sycophancy and a culture of pandering to the illegal demands of politicians.

At the same time, however, Prime Minister Sharif introduced an initiative that proved that honest and professional policing was not an altogether elusive dream. In an experiment worth emulating, Sharif created the National Highways and Motorway Police, which was tasked with the enforcement of traffic laws on the new, state-of-the-art motorway running between Lahore and Islamabad. Existing police officers were trained afresh by U.K. police, while new ones were recruited based on merit. Motorway police were paid three times more than the provincial police, and their service conditions and facilities were on par with police in Western countries. Above all, the police were given complete autonomy to enforce traffic discipline on a 400-kilometer motorway. These combined measures produced an honest and operationally autonomous police service that quickly earned public acclaim.

### **Post-9/11 Attempts at Reform**

The beginning of the twenty-first century found Pakistan at a crossroads in the global war on terror following the September 11, 2001 attacks on the United States. Like military dictators before him, General Pervez Musharraf began his term with a reformist agenda, but he soon fell victim to the game of political expediency and survival.

One of Musharraf's initial reform measures was a plan for police reform that culminated in the promulgation of Police Order 2002. The goal was to institute a politically neutral, highly accountable, and extremely professional police organization. Substantively, the Police Order focused on a number of issues: the misuse of authority, the arbitrary use of power, political interference in police operations and administration, the lack of service orientation, corruption, misbehavior, and the ineffective command and control of the police forces. Structurally, it replaced political control of the police with democratic institutional control through the mechanism of public safety commissions at the district, provincial, and national levels. This concept was borrowed from the United Kingdom, where authorities—both citizens and elected officials—maintained oversight of policing. Musharraf chose to follow the U.K. model over the Japanese model, in which the commissions were made up of only nonpolitical representatives.



To address police accountability, independent police complaints authorities (PCAs) were to be created in the capital city and throughout the provinces. In order to make the police operationally autonomous, the tenures of all of the heads of federal and provincial police departments were fixed at three years (on the model of military commanders in the army).

Eventually, however, politics took primacy over public concerns, and in 2004, Musharraf, along with his supporting political parties, drastically altered the face of the Order, effectively stripping it of all of its progressive reforms. The composition of public safety commissions was changed in favor of the ruling party. Additionally, independent PCAs were abolished in the provinces, and the three-year fixed tenure for police chiefs was revoked. In short, the amendments buried the very basis of the reform: to create a politically neutral, highly accountable, and fully autonomous police. As a result, since 2004, police reform has remained an elusive dream in Pakistan, as public interest has been sacrificed at the altar of political expediency.

### **The Present Day**

The 2008 elections were held in the wake of two important events: the so-called Black Coat Revolution, which sought the restoration of the independent judiciary sacked by General Musharraf in March 2007, and the assassination of former Prime Minister Benazir Bhutto in December 2007. The people voted into power the present government led by the Pakistan People's Party expecting the maintenance of the rule of law and good governance. Throughout the last four years of its rule, however, corruption, poor governance, and the misuse of authority have been endemic at both the federal and provincial levels. The loss of the rule of law has been the biggest casualty under the present government.

### **Counterterrorism**

The police have the primary responsibility for maintaining order in society, with assistance from intelligence agencies, civil armed forces, and the military. In Pakistan, however, the police have been forced to abdicate their lead role in internal security and defer to the armed forces, military-led intelligence bodies, and the military-led Rangers and Frontier Corps. Even the civilian intelligence agency, the Intelligence Bureau, is led by serving or retired army officers. Consequently, in all major cases of terrorism, the political leadership today looks to the chief of army staff (the army chief) to provide leadership in operations against terrorists and militants in the country.

At present, Pakistan lacks a thoughtful counterterrorism strategy, and efforts to create one have been largely ignored. On October 22, 2008, Parliament delivered a 14-point Resolution on National Security.<sup>1</sup> In support of the Resolution, a 17-member parliamentary committee produced a 23-page document laying out a cohesive national security policy. The Resolution and its corresponding policy package reflected the will of the people of Pakistan. Sadly, these parliamentary measures have been largely ignored by the government and its departments and agencies.

The creation of the National Counter Terrorism Authority (NACTA) in 2009 was the prime minister's most significant effort in support of these parliamentary initiatives. The agency was headed by Tariq Parvez, a former director general of the FIA, well known for his counterterrorism expertise. However, this new institution, tasked with producing national counterterrorism and counterextremism strategies, had

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<sup>1</sup> Irfan Ghauri and Muhammad Bilal, "Historic 14-Point Anti-Terrorism Resolution Adopted Unanimously," *Daily Times* (Pakistan), October 23, 2008, accessed June 13, 2012, [http://www.dailytimes.com.pk/default.asp?page=2008%5C10%5C23%5Cstory\\_23-10-2008\\_pg1\\_1](http://www.dailytimes.com.pk/default.asp?page=2008%5C10%5C23%5Cstory_23-10-2008_pg1_1).

its wings clipped soon after its creation. Instead of being logically placed under the command of the prime minister, as are the Intelligence Bureau and Inter-Services Intelligence, it was placed under the Ministry of Interior. This placement caused a turf war, and what would have been an effective and important organization was instead left powerless. Thus, Pakistan at present does not have a documented counterterrorism and counterextremism strategy. NACTA truly embodies the story of inept political leadership in Pakistan.

## Corruption

The maintenance of security and order is possible only amid the rule of law and good governance. In Pakistan, these fundamentals are being eaten away by the cancer of corruption. While Pakistan has an independent judiciary and a free media that are trying to take on corruption, this soft power can only do so much. Responsibility for formal investigations against corrupt officials rests with the National Accountability Bureau under the Ministry of Law and with the FIA under the Ministry of Interior. The National Accountability Bureau has been dysfunctional for quite some time. The FIA is similarly paralyzed; its role is to combat corruption and organized crime, like the FBI in the United States and the Central Bureau of Investigation (CBI) in India. In the United States, the director of the FBI has a fixed tenure of 10 years, and even the president does not have the power to remove him before his term expires. The director sits through two and a half presidential tenures and is independent and autonomous in operations and investigations. Similarly, in India, the director of the CBI has a fixed tenure of at least two years, and the prime minister cannot remove the director before completion of his or her tenure. In stark contrast, Pakistan is ruled by laws dating back to the Mughal era, and the director general of the FIA has no such security in his post. Rather, he is replaced on a whim based on political expediency. Consequently, the FIA, which achieved great public trust from 2005 to 2009, has been made the subject of public ridicule and national shame by the present government.

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**Pakistan at present does not have a documented counterterrorism and counterextremism strategy.**

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Police Order 2002 provides that the president should appoint an independent police complaints authority at the national level. The PCA's role would have been to look into complaints of misuse of authority, corruption, transgressions of law, torture, staged encounters, and other complaints against the police. However, the PCA never materialized because of the government's desire to keep the police under its wing. The federal PCA is to be headed by a retired judge of the Supreme Court, but the Ministry of Interior has not moved a summary to the prime minister and president to create the authority. These political machinations demonstrate that police reform is not on the agenda of present governments, at either the federal or provincial levels.

## Political Influence

The police force cannot provide security to citizens if there is no political will to provide for an impartial, autonomous, and professional police command. The responsibility here lies with the prime minister, as well as the chief ministers who appoint the inspector general of police, as his leadership frames the competency of the entire organization. In Police Order 2002, a secure tenure of three years was provided for the inspector general, as in the case of the army chief. This provision was eliminated by amendment in 2004, and since then, inspectors general have been appointed and transferred nonchalantly on the whims of the ruling party. It is interesting to note that the chief executive has appointed deputy inspectors general at Grade 20 as inspectors general of Islamabad, Azad Jammu and Kashmir, Gilgit-Baltistan, and the Railway Police, when the posting of junior officers past cadre posts of Grade 21 is a violation of rules

and norms. It is this type of manipulation that makes any prospect of promoting rule of law and good governance obsolete.

The time is ripe for the officers of Pakistan's police services to muster the courage to resist the illegal demands of political influence. The police force is legally accountable for its investigations only to the judiciary, which can read case diaries and ask questions. No other official can interfere in the process of investigation. Supreme Court rulings require the police to carry out investigations without fear or favor. The people of Pakistan would like their police to be politically neutral, operationally autonomous, and highly accountable. If the Black Coat Revolution of 2007–2009 resulted in the independence of the judiciary, then a “rule of law revolution” in Pakistan will be required for the emergence of an accountable, autonomous, and highly professional police service.

### Recommendations

The framers of Police Order 2002 wanted the police to function according to the Constitution, existing law, and the democratic aspirations of the people. However, Pakistani rulers, both political and military, have mostly paid lip service to constitutionalism, while the rule of law has repeatedly been sacrificed at the altar of the law of the ruler. In this environment of hypocrisy and double standards, the police cannot be expected to be an island of excellence espousing the spirit of the Constitution and enforcing the rule of law. This is an issue of political will. It is for the government—that is, the prime minister, chief ministers, and their cabinets—to lead the way by ensuring that the rule of law reigns supreme.

Apart from being a system, democracy is also a state of mind—an attitude that cannot thrive in a milieu fraught with arbitrary aspirations and nepotism promoting a culture of corruption in which merit is the biggest casualty. Institutions will exist in name only if they are filled with leaders who fail to follow the letter and spirit of the law.

The following measures can help the police improve service delivery and earn the goodwill of the public:

- Because liberty is a fundamental right of citizens, the police should never arrest a person unless there is solid proof or evidence. Officers should shun the temptation to arrest an innocent person because of interference by interested parties.
- Police officers should professionally and faithfully collect evidence on behalf of both the parties and present it before the court. Moreover, they should avoid becoming a judge or executioner, declaring the accused guilty or innocent. This is not the mandate of the police, nor does the law permit it.
- At a basic level, prompt and professional response in distress situations will win laurels for the police. When an individual reports a crime, he or she should not be called into the police station; the police should travel to the incident site and fill out complaint forms, sending a copy of the First Information Report or daily diary report (used to formally initiate investigations) by post or by hand. Investigating officers should visit and record evidence at the shops, offices, and houses of witnesses rather than summoning the interested parties to their offices and stations. By adopting these measures and altering the structure of public interaction, the police can drastically transform their public image.
- Women and children represent a disadvantaged and vulnerable section of society. No woman or child under 18 years old should be arrested without prior approval of a superintendent or assistant superintendent of police. Female police officers should handle their custody.

- Mechanisms of internal accountability are far more effective than those of external accountability. The police should welcome this through the judiciary, media, Parliament, and public safety commissions, but should also be prepared to set their own house in order. Ultimately, the police service is accountable for its own operations.

The people and police services of Pakistan require a new deal that will ensure that the rule of law determines the peaceful, progressive, and prosperous future of the country. When moving forward with police reform, the following recommendations deserve priority:

- The federal government must establish an independent police complaints authority under the leadership of a reputable retired Supreme Court judge as a means of establishing external accountability. The issues within the authority's domain will include, but not be limited to, corruption, misuse of authority, high-handedness, and violations of human rights. The provinces should also establish independent police complaints authorities as envisaged in Police Order 2002.
- Independent police commissions should be established for police oversight, composed of nonpolitical members, to both prevent political interference and check extraneous influences on police administration and operations.
- Tenure security must be ensured for all federal and provincial police chiefs. Arbitrary and premature transfers should be discouraged, as it is for military commanders in Pakistan.
- NACTA should be given a functional legal framework and be placed under the prime minister, like the Intelligence Bureau and Inter-Services Intelligence, so that it can effectively coordinate and formulate national counterterrorism and counterextremism strategies.
- Working conditions and salaries for police should be brought in line with those of the National Highways and Motorway Police, so as to enhance their self-esteem and minimize corruption in the rank and file.

# Obstacles to Reform

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*Shoaib Suddle*

**T**he present police system in Pakistan was designed in 1861 by the British for an altogether different set of social, administrative, and political realities than what the country faces today. Scores of national and international experts have concluded that the colonial model is no longer relevant. Pakistan needs to pursue comprehensive police reform as an integral part of the national agenda, regardless of which party is in power.

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**Pakistan needs to pursue comprehensive police reform as an integral part of the national agenda.**

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Public interest in improving the quality of law enforcement has never been higher. There is a growing recognition that the task requires a concerted effort by all stakeholders—the state, the private sector, and civil society. Without enduring partnership and coalition building among the principal actors involved,

there can be no hope of significant police reform. An enlightened and determined political leadership, high levels of public support, and a motivated and well-led civil society that demands better standards of police performance are critical for change.

In this context, this chapter will discuss the impediments to police reform in Pakistan and outline a possible way forward.

## **Political Manipulation**

An inadequate understanding of the issues involved and the prescriptions that are necessary to resolve them has contributed to the circular path of the police reform process. Chronic infighting among powerful groups within the bureaucracy exacerbates this lack of understanding and perpetuates the status quo, even in the wake of daunting law and order challenges. The absence of the rule of law and the politicization of the police are also major obstacles to reform. As long as police operations, recruitments, postings, transfers, promotions, and disciplinary proceedings are controlled by people of influence, police reform will remain simple political rhetoric. Political leadership with vision and statesmanship is necessary to extricate Pakistan from this untenable situation.

The utilization of the police to victimize political opponents has been a routine affair in Pakistan, where the system of governance historically has been blemished by the widespread abuse of political authority. This manipulation, coupled with endemic high-handedness and a culture of looking outside the organization for patronage, is part of a deepening crisis confronting Pakistan's police. Paradoxically, as instances of police brutality become more frequent and serious, calls for greater operational control over the police become stronger, and already feeble internal command and control structures are eroded further.

## Constitutional Issues

Yet another obstacle to police reform is the flawed understanding of the existing constitutional arrangement with respect to the police. Contentious legal issues must be addressed. Carving out a sustainable reform agenda and bringing policing in line with present-day law and order realities requires clear prioritization and understanding between the federal and provincial governments. The law and order scenario has changed fundamentally since September 11, 2001. If new challenges are to be met effectively, the police cannot continue to remain hostage to the old order.

## Lack of Political Will

Over the last 60 years, frequent interruptions of democratic dispensation in Pakistan have meant minimal investment in police, as military rulers have not placed importance on building police capacity. While financial constraints are often cited as an obstacle to reform, the problem actually lies with the governing elite, which has failed to demonstrate the necessary political will to reform the police. Many reform measures that do not require a large budget have failed to materialize simply because of this lack of political support.

## Inadequate Professional Leadership

The inability of the police leadership to resist debilitating extraneous pressures is a significant impediment to reform. The force is unable to bring about the required attitudinal change for promoting professionalism among the rank and file. This applies to basic functional areas, such as registering crime reports, conducting fair and independent investigations, arresting the right suspects, and putting in place credible accountability mechanisms to deal effectively with ubiquitous police misconduct.

## A Poor Police Performance Appraisal System

Another important area that defies reform is the absence of an efficient and credible performance appraisal system that is linked to an adequate and transparent reward and punishment system. The career progression of police officers of different ranks is linked, in theory, with how well they perform during in-service training courses and how they are assessed annually by their supervisors. In practice, however, both of these seemingly objective parameters are seriously flawed as a result of a corruption-ridden subculture of patronage. Securing the top three positions in a prescribed in-service training course, for instance, makes a police officer eligible for accelerated promotion to the next rank. Those who actually obtain these distinctions rarely do so because of their exceptional merit, however. Rather, they do so by bribing or influencing their examiners and instructors. Likewise, the system of annual performance appraisal reports is in shambles, with most officers agreeing that the system is a farce. It is not helpful in objectively identifying the meritorious from those who are known poor performers or have attitudes that make them unfit for a police job.

## Training

Police training in Pakistan is archaic in both content and methodology. The emphasis is on muscle over mind. Human resource development challenges that require urgent attention include the following: enhancing the critical capabilities of investigators, introducing and assimilating modern technology, changing the culture of the organization to promote sensitive and responsive policing, increasing the focus on human rights, and enhancing counterterrorism and cybercrime capabilities. Furthermore, there is no institutional mechanism for recognizing, rewarding, promoting, or sustaining professional excellence; the system is loaded in favor of mediocre individuals who inherently oppose any meaningful reform effort.

## Public Image

The police in Pakistan have historically suffered from a poor reputation among a public that retains a highly negative view of its role and mission. As a result, there is little voluntary flow of vital information relating to human security from the public to the police. Mistrust of the police is so deeply embedded across all levels of society that citizens seldom reach out to them, even in times of crises.

## Corruption and Accountability

According to Transparency International, the police rank among the most corrupt organizations in Pakistan.<sup>1</sup> This is unsurprising, as the coercive power of the state is most obviously manifested in the form of the police. Living off the land is integral to the design of the force as established under Police Act 1861, and corruption is tolerated within the organization. To combat this corruption, an effective punishment and reward-based system is necessary.

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**Police in Pakistan have historically suffered from a poor reputation among a public that retains a highly negative view of its role and mission.**

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As it is impossible for the police force to perform its functions efficiently and effectively without enjoying a high degree of public belief in the integrity of its operations, it is crucial to bring the force under a system of accountability that has the public's confidence. Once the police are compelled to perform a just and constructive role in the community, their

work ethic will undergo a radical change. When subject to law, they will strive to uphold and promote the public interest and safeguard democratic norms based on the rule of law and due process.

## Police Order 2002

The police generally serve at the discretion of the political executive. Police Order 2002 targeted this serious issue by mandating a fixed tenure of three years for important functionaries, including the officer in charge of a police station and the head of a subdivision, district, range, or province (unless the officer is removed on disciplinary grounds or transferred to another position in the public interest). Such critical provisions of the order were never implemented, however. The governments of Sindh and Balochistan even regressed by replacing Police Order 2002 with Police Act 1861.<sup>2</sup>

Police Order 2002 created a range of helpful new institutions, among them the National Public Safety Commission (NPSC), whose purpose was to create nationwide integration of policing standards and to ensure the better coordination of common services. Though the federal interior minister heads the NPSC, the six members of the commission who were supposed to be chosen from the Parliament elected in 2008 have not yet been notified.

If the police are not allowed to function freely, fairly, justly, independently, and honestly, there can be neither justice nor order. Because the sole purpose of the police is to enforce the law of the land without fear or favor, it is crucial to render it politically neutral. Such neutrality has been achieved in other countries by placing the police under credible apolitical controls.

Unfortunately, past attempts to promote professionalism and standardization of policing practices have

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<sup>1</sup> "Land, Police Departments Viewed as most Corrupt," *Dawn*, December 29, 2011, accessed June 20, 2012, <http://dawn.com/2011/12/29/transparency-issues-corruption-survey-report-land-police-departments-viewed-as-most-corrupt/>.

not met with success in Pakistan. The forces of the status quo have argued that because the police is a provincial responsibility under the Constitution, it would be both inappropriate and contrary to the existing constitutional arrangements for the federal government to “impose its will” on the otherwise autonomous provincial governments.

## Recommendations

It is critical that Pakistan strive to create a police force that works better. This means closing the trust deficit—that is, proving to the people that the police exist principally to serve. To achieve this, a number of key questions should be asked: How should the police be organized to meet present-day law and order challenges? Which model will be most efficient in bringing about a radical change in the intolerably high level of police–public estrangement? How can the police effectively be brought under democratic control while at the same time ensuring the organization’s political neutrality?

Police reform is one of the greatest challenges confronting Pakistan. It is a challenge that can and must be met. There are no shortcuts and no easy answers. In order to move forward, the following actions should be considered:

- Responsibility for maintaining law and order should rest unambiguously with the police. The senior hierarchy must be made accountable not merely for the administration of the force, but also for all operations connected with the maintenance of law and order. Urgent steps are required to render the police force professionally competent, operationally neutral, functionally cohesive, and organizationally responsible for all of its actions.
- The role, duties, and responsibilities of the police must be oriented in a manner in which the service function is prioritized and the prevention and detection of crime is viewed as having a social purpose. The reform strategy should also seek to solicit the support and cooperation of the people.
- If Pakistan is to succeed in reforming its police, it will need the generous support of the international community. It will be impossible to reinvent the existing outmoded police system without technical assistance from countries with exemplary policing systems.
- A national consensus on the future reform agenda is essential. The police cannot be reformed without reference to the criminal justice system and the larger political and social order of society. Additionally, any reform strategy must take into account a number of key variables, such as the structure of government; the balance between the federal and provincial governments, as well as between provincial and local governments; the roles of the judiciary, military, and political parties in the country’s administrative affairs; the roles of public prosecutors and defense lawyers; the professionalism of the force; the force’s mandate; and the seriousness of the attempt to shift the police’s basis of legitimacy from an adversarial to a community model. Less tangible features of the society, such as its social structure and cultural expectations, should also be considered.
- No police force can hope to be accepted by the public as a true professional organization committed to upholding the rule of law unless its officers are genuinely free from political, religious, ethnic, and racial biases and have a reputation for enforcing the law fairly and justly, especially when faced with difficult circumstances. Pakistan’s police force and relevant stakeholders must work together to develop and imple-

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<sup>2</sup> See Umar Cheema, “KP Differs with Sindh, Balochistan on Police Order, LB Laws,” *The News* (Pakistan), October 25, 2011, accessed June 20, 2012, <http://www.thenews.com.pk/Todays-News-13-9825-KP-differs-with-Sindh-Balochistan-on-police-order-LB-laws>.



ment specific strategies aimed at ensuring that the less privileged are afforded equal access to policing services. Adopting measures that portray the police in a positive light and proactively address the causes of negative public attitudes is integral to the activities underpinning a comprehensive police reform strategy.

- Senior police leadership must maintain a strong commitment to the cause of reform. It is inconceivable to turn around an organization that is designed to preserve the status quo without top management's unwavering support for change. Observing internationally accepted organizational practices in relation to police administration is a key requirement in this context. The onus of ensuring malpractice-free management of the force squarely rests with the senior police hierarchy. Quality human resource management, the efficient use of financial resources, and the adoption of modern technology are core areas that demand initiatives from the police leadership.
- The objective of police reform is largely achievable through implementation of Police Order 2002, with minor amendments, throughout the country, including the provinces of Sindh and Balochistan, the federal capital of Islamabad, Gilgit-Baltistan, and Azad Jammu and Kashmir. In due course, the Order should be extended to the Federally Administered Tribal Areas as well so that the whole country is governed under a common set of rules.

# Leading Change in Police Organizations

*Humayun Tarar*

Police Order 2002 was an attempt to revamp Pakistan's police organizations to make them more responsive, responsible, and professional, as well as to institute democratic control and civil oversight. The order weathered horrific storms before it was ultimately labeled a "failure" by its critics. Although there are many reasons behind its apparent failure, the role of the collective police leadership in leading change deserves special attention.

Tracey Trottier, Montgomery Van Wart, and Xiaohu Wang have evaluated the significance of transactional and transformational leadership in public organizations.<sup>1</sup> Their work proves useful to understanding the nature of leadership across police organizations in Pakistan. Transformational leadership questions existing norms and assumptions and brings positive energy and innovation to the organization, fostering a learning environment and leading to growth.<sup>2</sup> A transactional style of leadership, on the other hand, works within the existing framework, is viewed as conservative, and promotes adherence to rules and procedures. Such leadership does not and cannot steer the organization toward the higher goal of becoming a learning organization. With regard to the police in Pakistan, the leadership model has been transactional, based more on adherence to standard operating procedures and compliance rather than innovation and creativity.

John P. Kotter, an authority in the field of change management, delineates a course for leaders striving for a successful transformation by pointing out eight common errors that lead to failure. It is useful to employ this framework to analyze the process of change in the case of police reform. Errors of the collective leadership in Pakistan included, "not establishing a great enough sense of urgency," "not creating a powerful vision," "under communicating the vision," "not removing obstacles to the vision," "not creating short term wins," "declaring victory too soon," and "not anchoring change in the culture."<sup>3</sup>

Provincial chiefs were on board and part of the guiding coalition. However, instead of growing, the coalition contracted over time. In any case, the mid-level managers and officers in command positions were not part of this coalition.

Similarly, the law itself could hardly be categorized as a vision to be articulated by the leadership. The glaring absence of a vision amounted to a structural weakness in the change process.

The Police Management Board, comprising senior police officers, was to meet regularly and advise on policy and strategy for implementing change. The board rarely convened, however, and failed to perform its functions.

Change was not deeply rooted in the organization's culture. Leaders could not establish a sense of urgency beyond a certain level. They also failed to get people out of their comfort zones, an extremely important part of any change process.

Many mid-level managers were convinced that the status quo would persist. That the leadership failed to remove obstacles is evident by the many "blockers" who were not dealt with in time. Removing obstacles means dealing with turf wars proactively. On the contrary, mid-level leaders were allowed to indulge in these tussles without any check. The police leadership had failed to identify any resistance to change.

John P. Kotter and Leonard A. Schlesinger provide an array of strategies for implementing change. These range from swift implementation in which the opposition is quelled to an incremental process that is slow but reduces opposition to change.<sup>4</sup> The police leadership should revisit the reform process while recognizing that there are no quick and easy solutions. The process of change will be long, and the leadership must display an unwavering commitment to the process. Indeed, it may take another generation of leaders to complete the work initiated today.

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<sup>1</sup> Tracey Trottier, Montgomery Van Wart, and XiaoHu Wang, "Examining the Nature and Significance of Leadership in Government Organizations," *Public Administration Review*, vol. 68, no. 2 (March/April 2008): 319–33.

<sup>2</sup> Bernard M. Bass and Bruce J. Avolio, "Transformational Leadership and Organizational Culture," *International Journal of Public Administration*, vol. 17, no. 3–4 (1994): 541–54.

<sup>3</sup> John P. Kotter, "Leading Change: Why Transformation Efforts Fail," *Harvard Business Review*, vol. 73, no. 2 (March/April 1995): 59–67.

<sup>4</sup> John P. Kotter and Leonard A. Schlesinger, "Choosing Strategies for Change," *Harvard Business Review*, vol. 57, no. 2 (March/April 1979): 106–14.

# Myths about Terrorism in Pakistan

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*Syed Ejaz Hussain*

**P**opular thinking on terrorism in Pakistan is intuitive, subjective, and anecdotal at best. Terrorism is associated with poverty, illiteracy, and unemployment in mainstream discussions despite the absence of reliable evidence. More tragically, governments in Pakistan have adopted counterterrorism policies and operations based on this line of unsubstantiated thinking. As a result, policy solutions to terrorism have included measures such as opening nonreligious schools and creating jobs targeted at youth in terrorism-affected areas. In terms of law enforcement, the prevailing method of fighting terrorism involves arresting as many terrorists as possible, a tactic guided by the logic that arrests will reduce terrorism. As will be explained, a careful analysis of terrorism data in Pakistan provides strong evidence against each of these assumptions and the policies that they spur.

The data reveal that terrorism in Pakistan instead relates to the presence of ongoing religious and ethnic conflicts. Moreover, the data suggest that terrorist arrests can actually be counterproductive, increasing the severity and frequency of terrorism incidents instead of reducing them. Finally, the analysis shows that the current wave of terrorism is likely to end in a few years. Not to be misinterpreted, the end of this terrorism cycle may not mean the beginning of peace, but rather the start of a new and perhaps stronger wave of terrorism. Such findings necessitate a major shift in Pakistan's counterterrorism policy, practice, and thinking.

## Factors Related to Terrorism

Traditional thinking associating terrorism in Pakistan with poverty, illiteracy, and unemployment reverberates through press and official statements. Similar thinking prevails outside Pakistan in international discourse as well, with researchers repeatedly testing the relationship between these indicators and terrorism.

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**Terrorism in Pakistan relates to the presence of ongoing religious and ethnic conflicts.**

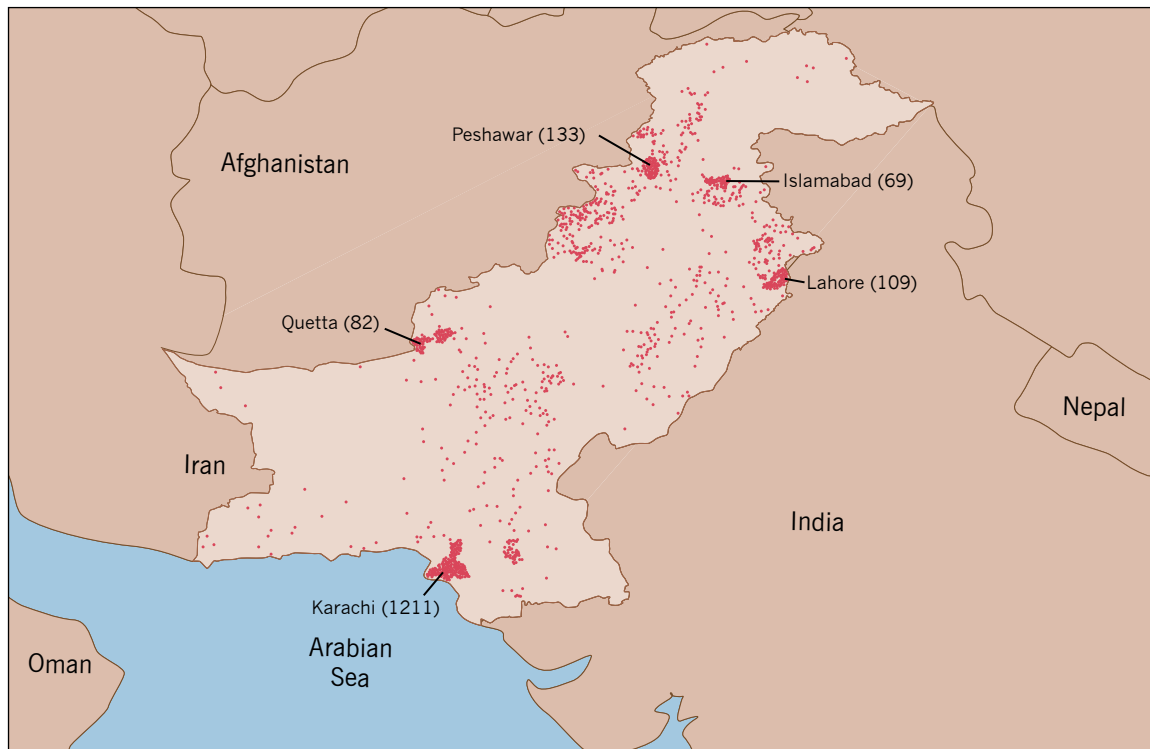
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When we look at the geographic spread of terrorism incidents across Pakistan (Figure 1), it is clear that terrorism incidents are not so clearly linked to the aforementioned factors. Indeed, most terrorism incidents between 1974 and 2007 occurred in provincial capitals: Karachi, 1,211 incidents (49 percent); Peshawar, 133 incidents (5 percent); Lahore, 109 incidents (4 percent); Quetta, 82 incidents (3 percent); and Islamabad, 69 incidents (3 percent).<sup>1</sup> As of 2007, these areas had a lower percentage of the population living below the poverty line compared to many other cities in Pakistan: Karachi, 9 percent; Lahore, 12 percent; Quetta, 34 percent; and Peshawar, 37 percent.<sup>2</sup> Further, as Table 1 illustrates, urban parts of

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<sup>1</sup> Syed Ejaz Hussain, "Terrorism in Pakistan: Incident Patterns, Terrorists' Characteristics, and the Impact of Terrorist Arrests on Terrorism," PhD diss., University of Pennsylvania, 2010.

<sup>2</sup> Imran Khan, "District Level Poverty in Pakistan," *Iknomics*, April 12, 2011, accessed May 30, 2012, <http://iknomics.wordpress.com/2011/04/12/district-level-poverty-in-pakistan/>.

**Figure 1: Geographic Spread of Terrorism Incidents in Pakistan, 1974–2007**

Source: Syed Ejaz Hussain, "Terrorism in Pakistan: Incident Patterns, Terrorists' Characteristics, and the Impact of Terrorist Arrests on Terrorism," PhD diss., University of Pennsylvania, 2010.

Pakistan's provinces generally have higher than average levels of education, as measured by the number of people age 10 and older who can read a newspaper and write a simple letter in any language. Similarly, unemployment rates are generally higher in rural and semirural areas of the country.

If terrorism were related to illiteracy, then it would be hard to explain why Sri Lanka, with a literacy rate of 92 percent, experiences such high rates of terrorism.<sup>3</sup> If terrorism were associated with poverty, then it would be difficult to explain its occurrence in developed countries such as the United States and the United Kingdom, where 2,347 and 4,491 incidents of terrorism took place, respectively, from 1970 to 2010.<sup>4</sup> As of 2011, Colombia had an unemployment rate of only 7.7 percent but experienced the highest incidence of terrorism in the world—7,180 incidents—during the period from 1970 to 2010.<sup>5</sup>

If poverty, illiteracy, and unemployment are not contributing factors to terrorism, then what are? We get a clearer answer if we look beyond the capital cities. Terrorism incidents are also common in Southern Punjab (Bahawalpur, Faisalabad, Jhang, and Multan), Swat, Dera Ismail Khan, the Federally Administered Tribal Areas (FATA), and Central Balochistan (Dera Bugti, Kohlu, and Sibi). It is not poverty, unemployment, or illiteracy that distinguishes these areas from others, as they are almost as equally poor, illiterate,

<sup>3</sup> Sri Lanka Tourism Development Authority, 2011, accessed May 30, 2012, [http://www.sltda.gov.lk/why\\_invest\\_in\\_sri\\_lanka](http://www.sltda.gov.lk/why_invest_in_sri_lanka).

<sup>4</sup> Incidents of Great Britain and Northern Ireland combined; see Global Terrorism Database, University of Maryland, accessed May 30, 2012, <http://www.start.umd.edu/gtd/>.

<sup>5</sup> Global Terrorism Database.

**Table 1: Literacy Rates (10 Years and Above), 2009-2010**

	Total	Urban	Rural
<b>Pakistan</b>	57.7%	73.2%	49.2%
<b>Punjab</b>	59.6%	73.5%	40.8%
<b>Sindh</b>	58.2%	61.7%	41.0%
<b>Khyber Pakhtunkhwa</b>	51.0%	62.7%	48.4%
<b>Balochistan</b>	51.5%	69.6%	45.7%

Source: Pakistan Bureau of Statistics, Labour Force Survey 2009-2010, <http://www.pbs.gov.pk/content/labour-force-survey-2009-10>.

and unemployed compared to other areas in Pakistan. Rather, their distinguishing feature is that there is some sort of ongoing conflict unfolding within each of these areas.

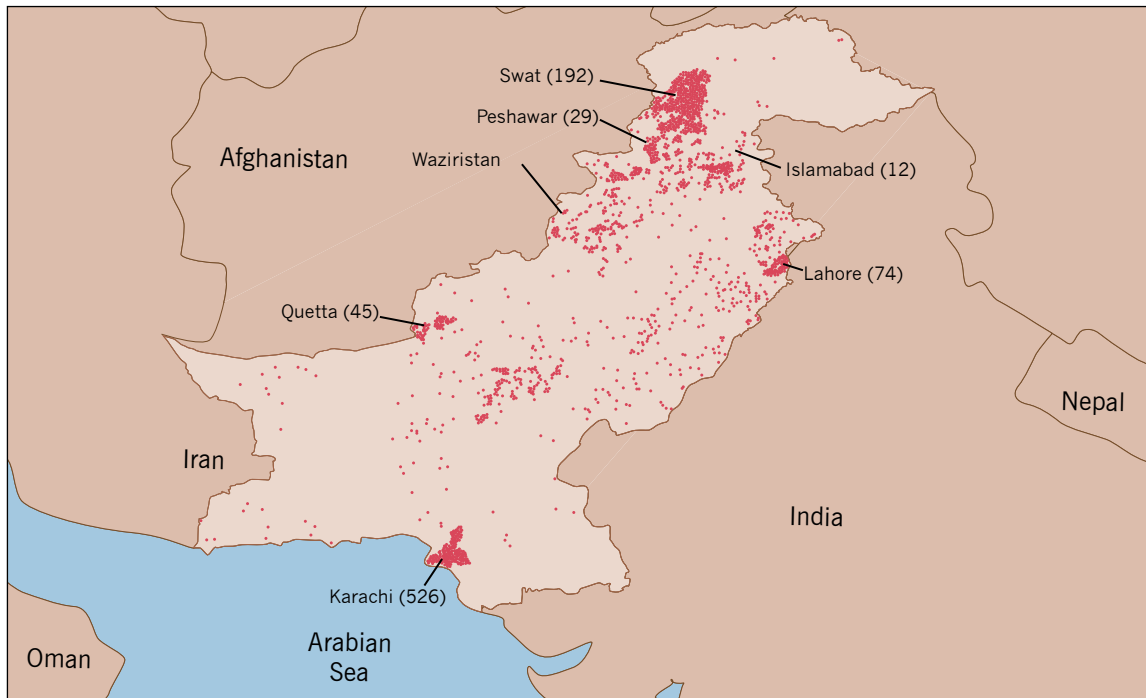
Southern Punjab is a bastion of sectarian conflict; Swat and FATA are the birthplace of the wider religious conflict in the country; and Central Balochistan is locked in conflict between the government and Baloch tribal leaders. Finally, Karachi, a provincial capital, suffers from a language conflict.<sup>6</sup> Thus, terrorism appears to breed in areas that experience sectarian, religious, linguistic, or ethnic conflict. The capitals and the big cities attract terrorism as part of a spillover effect from the conflict areas—to make it more dramatic, didactic, and strategic.

Looking at the geographic spread of the hometowns of terrorists arrested between 1990 and 2009 (Figure 2), it can be concluded that, for the most part, most terrorists belong to an area plagued by conflict rather than one marked by poverty, illiteracy, and unemployment. Indeed, most arrested terrorists come from areas suffering from intense religious, sectarian, language, or racial conflict—with Southern Punjab, Swat, Karachi, and Central Balochistan as prime examples.

Each of these conflicts is based on grievances, whether actual, perceived, or concocted. Muhajirs, Urdu-speaking refugees from India who settled in Karachi, have voiced grievances about the transfer of the country's capital from Karachi to Islamabad, the consequent loss of their power in the bureaucracy, the lack of jobs, the shortage of housing, and the paucity of transportation. Sectarian grievances between Shiite and Sunni Muslims date back to the very early period of Islam. In Pakistan, Sunnis (Deobandis) want Shias to be declared a non-Muslim (infidel) minority in Pakistan. Proponents of the race-based conflict in Balochistan allege a lack of provincial autonomy and diminishing resources from the federal government, which are distributed on the basis of population.

The striking feature here is that in the conflict areas, all denominations of people—rich, poor, urban, rural, educated, illiterate, employed, unemployed, married, single—are just as likely to be involved in terrorism, either as outright terrorists or as supporters and abettors. People with extremist tendencies—sectarian, religious, linguistic, or racial in nature—are especially susceptible to terrorist ideology, while those who do not hold extreme views may be folded into the conflict as a self-defense mechanism. Ultimately, it is the presence or absence of conflict that most strongly explains terrorism in Pakistan.

<sup>6</sup> Identities in Karachi are determined on the basis of language—Urdu, Sindhi, Punjabi, and Pashto. These language groups are engaged in ongoing violent conflict.

**Figure 2: Geographic Spread of Arrested Terrorists, 1990–2009**

Source: Hussain, "Terrorism in Pakistan: Incident Patterns, Terrorists."

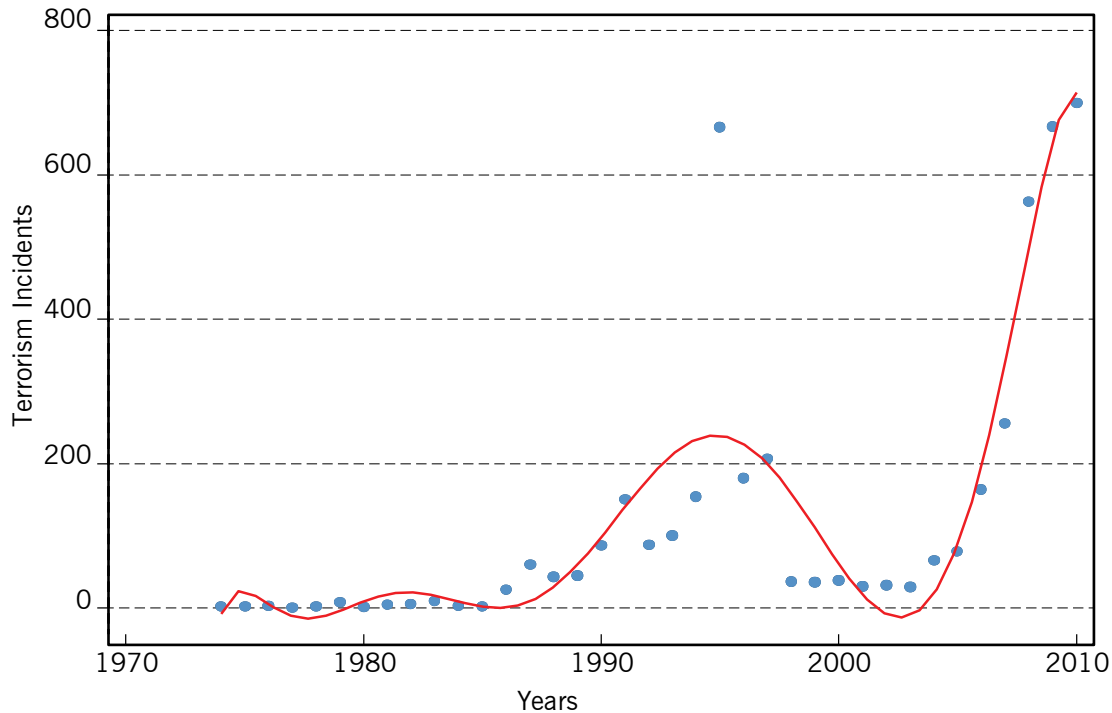
### The Cycle of Terrorism and Effectiveness of Law Enforcement

The presence of ongoing conflict may also explain why terrorism in Pakistan is cyclical in nature (see Figure 3). Pakistan has experienced at least four cycles of terrorism over the last 40 years. The first cycle, which started in 1974 and ended in 1978, was marked by terrorism committed by foreigners against foreign targets in Pakistan. The second cycle of violence started in 1979 and lasted until 1986, during which time most terrorist incidents were politically motivated. The third cycle of terrorism started in 1987 and continued until 2003, peaking in 1995. During this period, terrorism was sponsored mostly by sectarian and language-based terrorist organizations. The strongest historical cycle of terrorism began in 2004; if previous dynamics continue, it will likely end around 2015. As this pattern shows, the end of the current cycle of terrorism may not usher in a period of peace, but instead could signal the starting point for a new cycle of violence—one that could be stronger than the current one.

One explanation for the boom and bust pattern of terrorism in Pakistan lies in the process by which terrorism develops. Once conflict—sectarian, religious, linguistic, or racial—develops into terrorism, state institutions take time to mobilize to confront the threat. In the meantime, terrorist activities peak. Then, either because of state action or internal exhaustion of the terrorist organizations, the violence subsides, only to return at a later time. Terrorism inevitably returns because the conflicts responsible for generating it remain unresolved. Therefore, whenever terrorist organizations find opportunities, resources, or weaknesses in law enforcement, they resurface. Law enforcement approaches that do not address the underlying conflicts fail to end terrorism. The result is evident in repeating patterns of the phenomenon.

Finally, a study of the relationship between terrorist arrests and the future incidence of terrorism, using a sophisticated statistical technique of cross-sectional time series, reveals that arrests can actually increase both the frequency and the severity of terrorist incidents. Every arrest of an advanced terrorist is associated with a 10 percent increase in terrorism incidents and a 22 percent increase in casualties.

**Figure 3: The Cyclical Nature of Terrorism in Pakistan, 1970–2010**



Source: Based on data from the Global Terrorism Database for 1970–2010.

## Recommendations

The first and most important conclusion to be drawn from this study is that poverty, illiteracy, and unemployment are not directly related to terrorism. While these factors may play a role in sparking conflicts, it is the existence of these conflicts themselves that contributes to terrorism in Pakistan. The presence of conflict is related to both the geographic spread of terrorism incidents and the location of terrorists. This conclusion is important theoretically, as academics need to study conflicts in Pakistan in terms of their evolution and determine what policies can resolve or manage them. Policies based on intuition and opinions are not dependable. Rather, policies, practices, and thinking should be based on statistical evidence. A systematic analysis of terrorism data can provide vital insights into the nature and dynamics of the phenomenon, and the conclusions drawn will be critical for theory, policy, and practice. These research projects must be promoted by the government. They would benefit greatly from international support as well.

Misunderstanding the causes of terrorism in Pakistan leads to misguided policy. Current policy is focused on opening new schools, creating employment opportunities, and on using law enforcement approaches such as making arrests and allowing the “criminal justice wheel” to run its course. Some policies may be counterproductive, while the impact of others has yet to be fully evaluated.



Another very important conclusion is that terrorism in Pakistan cycles through distinct boom and bust patterns. The explanation for this cyclical pattern may be that current law enforcement models fail to address the underlying conflict issues when confronting terrorism.

Given all of this, the following recommendations are put forth in order to improve the country's approach to counterterrorism:

- Practitioners should be trained in conflict resolution and management so that these techniques can be employed before resorting to force. Conflict resolution approaches should be adopted over purely law enforcement approaches. In Pakistan, the terrorism problem is so widespread that arrests do not make a substantial difference in the number of terrorists (especially when the acquittal rate is so high).
- After every terrorist arrest, strategic or tactical assets must be secured against a possible backlash.
- In the context of boom and bust patterns, law enforcement agencies must combat the current wave of terrorism, but they should also be ready for the next expected wave. Short-term steps must target the existing wave of terrorism, while long-term planning should focus on preemptive conflict resolution—before the next cycle of terrorism enters its initial phase.
- Policies, practices, and thinking must be based on statistical evidence. A systematic analysis of terrorism data will provide vital insights into the nature and dynamics of terrorism, and the conclusions drawn are critical for theory, policy, and practice. These research projects must be promoted by the government, and would benefit from international support.

# Antiterrorism Law

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*Zulfiqar Hameed*

Since the beginning of 2005, Pakistan has experienced an alarmingly high rate of terrorist attacks. Incidences spiked in 2009 and, though they receded in 2011, the numbers are still concerning. Terrorist attacks are not new to Pakistan; according to one estimate, there were at least 4,438 such attacks throughout the country from 1974 to 2010.<sup>1</sup> Attacks subsided from 1997 to 2005 but then reached unprecedented rates between 2007 and 2011.<sup>2</sup> Figures of fatalities vary; according to one estimate, there were more than 40,000 fatalities attributable to terrorist attacks from 2003 to 2012.<sup>3</sup> Faced with such a serious onslaught, Pakistan must reform its criminal justice system in order to ensure that terrorism is being handled effectively, that perpetrators are adequately punished, and that the menace of terrorism is brought under control.

While law enforcement agencies and civil legal institutions are the most appropriate forums in which to tackle terrorism, the performance of those bodies has been anything but satisfactory. Without a major reform effort, civilian law enforcement agencies, including the police, will continue to be unequipped to handle the herculean challenge facing them. Pakistan's police force is underresourced, poorly trained, badly paid, low in morale, and viewed with suspicion by the courts and society because of its poor human rights record. Most police are regarded as corrupt, inefficient, and unprofessional. There are minimal forensic facilities or modern equipment to assist them in doing their job.

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**Pakistan must reform its criminal justice system in order to ensure that terrorism is being handled effectively.**

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The situation in the courts is similarly dismal, and there is deep and widespread dissatisfaction with their record in punishing terrorists. In their defense, the courts contend that the police fail to provide enough evidence; the police respond that the courts favor defendants and that the standard of evidence is impossible to attain. In this back and forth, the larger goal of addressing the issue of terrorism suffers.

Anti-Terrorism Act 1997 was enacted at the federal level and applies nationally except in the Federally Administered Tribal Areas. The Act establishes special antiterrorism courts and confers special powers on these courts as well as law enforcement agencies. Two serious criticisms have been made of the Act.

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<sup>1</sup> Global Terrorism Database, University of Maryland, accessed March 17, 2012, [http://www.start.umd.edu/gtd/search/Results.aspx?chart=attack&casualties\\_type=&casualties\\_max=&country=153](http://www.start.umd.edu/gtd/search/Results.aspx?chart=attack&casualties_type=&casualties_max=&country=153).

<sup>2</sup> Ibid.

<sup>3</sup> South Asia Terrorism Portal, Pakistan Data Sheets, accessed March 17, 2012, <http://www.satp.org/satporgtp/countries/pakistan/database/index.html>.

The first is that it is overly broad and does not provide sufficient safeguards against abuse of its special provisions.<sup>4</sup> The second is that it is ineffective in achieving its objective of punishing terrorists.<sup>5</sup>

Though these criticisms may be legitimate, an accurate assessment of the Act's effectiveness has yet to be conducted because of a critical lack of data. To rectify this situation, this chapter will analyze data on police performance, the record of cases prosecuted under the Anti-Terrorism Act, the types of cases registered under the Act, and judicial decisions made under the Act. The data that follow pertain to Punjab Province, which was selected as a case study because it is both the largest and the most populated province and because it was severely affected by the recent spate of attacks from 2008 to 2011. The data pertain to the years 2005 to 2011 unless otherwise stated and were obtained from the Investigation Branch of the Punjab Police, which collects all such data relating to police work in the province.

### Police Performance under the Anti-Terrorism Act

Police performance can be measured by looking at the number of cases registered by the police under the Anti-Terrorism Act in the first instance and the ratio of cases that ultimately are sent to court and tried (see Table 1). Although the general perception of terrorism cases is that most involve bomb blasts, suicide attacks, or weapons of mass destruction,<sup>6</sup> in actual practice, any case that is defined under Section 6 of the Anti-Terrorism Act as a purported act of "terrorism" falls under the jurisdiction of the antiterrorism courts and therefore is investigated and tried under the Act.<sup>7</sup>

Looking at the data reported in Table 1, several observations can be made:

- The total number of cases registered (by the police) and tried (by the courts) under the Act is quite large—more than 4,000 in seven years, averaging 574 annually.
- A relatively large number of cases are registered incorrectly in the first instance. This conclusion is drawn by looking at cases "cancelled" by the police (263, or 6.54 percent of total cases), wrongly applied, or "deleted" (88 cases, or 2.19 percent). Cases that are cancelled are those that the police found during the investigation to be wrongly registered because the incident did not occur, and thus the allegation is false. Deleted cases are those in which the underlying incident is accepted as correct but that the police investigation found should have been registered under the Pakistan Penal Code instead of the Anti-Terrorism Act. Together, then, more than 8 percent of cases are incorrectly registered in the first place.
- Around 5 percent of the cases registered are not pursued and so are declared "untraced," with the possibility that they may be reopened if subsequent leads arise.
- The most important number from the point of view of police work is the "Challan" ratio, which represents the number of cases sent to court for trial. A "complete Challan" indicates that the case has been completely investigated and sent to court; an "incomplete Challan" indicates that all perpetrators have not been arrested, but the arrested perpetrators have been sent to court. Slightly over 52 percent of cases

<sup>4</sup> See Charles H. Kennedy, "The Creation and Development of Pakistan's Anti-Terrorism Regime, 1997–2002," in *Religious Radicalism and Security in South Asia*, ed. Satu Limaye et al. (Honolulu: Asia Pacific Center for Security Studies, 2004), 387–412; and Amnesty International, *Pakistan: Legalizing the Impermissible: The New Anti-Terrorism Law* (London: Amnesty International, 1997).

<sup>5</sup> See "Pakistan and Its Flawed Anti-Terrorism Laws," Policy Research Group, July 15, 2010, accessed May 31, 2012, [http://policyresearchgroup.com/regional\\_weekly/hot\\_topics/835.html](http://policyresearchgroup.com/regional_weekly/hot_topics/835.html); and Rabia Shakoor and Eqbal Alavi, "Why Can't Pakistan Convict Any Terrorists?," *Let's Build Pakistan*, July 7, 2010, accessed May 31, 2012, <http://criticalppp.com/archives/12078>.

<sup>6</sup> There is, interestingly, no definition of suicide bombing or weapons of mass destruction in the Anti-Terrorism Act to this day, despite widespread attacks in Pakistan in the last few years falling under these categories.

<sup>7</sup> Section 6 of the act defines such acts of terrorism in very broad and vague terms, and Section 7 is the penal section for such offenses. For details, see "The Anti-Terrorism Act (ATA), 1997."

**Table 1: Cases Registered and Investigated under the Anti-Terrorism Act<sup>8</sup>**

Year	Total Cases	Cancelled	Untraced	Incomplete Challan	Complete Challan	ATA Deleted	Under Investigation
2005	403	18	37	96	240	7	5
2006	468	10	21	116	311	5	5
2007	541	14	17	143	358	7	2
2008	575	28	39	168	313	6	21
2009	729	31	25	246	359	3	65
2010	613	81	36	132	306	35	23
2011	690	81	17	221	228	25	118
Total	4019	263	192	1122	2115	88	239
%	100	6.54	4.78	27.92	52.63	2.19	5.95

are considered complete Challan, while 28 percent of cases are considered incomplete Challan; when both categories are combined, the total percentage of cases sent to trial is only 80 percent. Considering that these are the most high-profile cases in the criminal justice system, this number leaves much to be desired in terms of police performance.

Table 2 reveals an interesting and instructive statistic regarding the annual registration of cases under the Act. Only 4.6 percent of cases involve bomb blasts or suicide attacks—cases traditionally perceived as acts of terrorism—while the remaining 95 percent of cases fall under miscellaneous categories such as kidnapping for ransom, murder, acid throwing, police encounters, and other offenses. In reality, “terrorism” should refer to only those cases that involve actions that attempt to inflict widespread damage with a terrorist, political, or sectarian intent or a connection to a terrorist organization.

The problem with the way in which the Anti-Terrorism Act is presently being applied, as is evident from the foregoing figures, is that in a large majority of cases, there is no connection with a terrorist organization or presence of terrorist intent. Cases that should be registered under the ordinary law of Pakistan (i.e., the Pakistan Penal Code) instead are being registered under the Anti-Terrorism Act. This is attributable to a lack of a precise definition and the absence of safeguards against wrong registration within the Act. Arguably, some of these cases may involve terrorist organizations, but by no means the majority. The implications of these numbers for resource allocation among the police and the antiterrorism courts established under the Act are obvious. With meager resources, such overburdening of the system has debilitating effects for real terrorism cases.

It appears that the reasons for this wide-ranging registration of cases are twofold. First, the Anti-Terrorism Act includes the broad-based spectrum of offenses in its Third Schedule.<sup>9</sup> The Third Schedule gives the government the power to include any offenses not originally covered under the Act but within the ambit

<sup>8</sup> The data for this and all subsequent tables were obtained by the author from the Investigation Branch of the Punjab Police as of December 31, 2011.

<sup>9</sup> Section 34 of the Act, read with the Third Schedule, empowers the government to add, modify, or delete any entry in the Schedule, with the effect that offenses to be covered under the Act can be added, amended, or deleted.

**Table 2: Cases Registered Under the Anti-Terrorism Act (percent)**

Year	Explosives Act	Kidnapping for Ransom	Police Encounter	Multiple Murder	Murder	Acid Throwing	Other
2005	2.24	21.08	26.91	3.59	8.30	0.22	37.67
2006	3.92	20.68	22.82	5.53	0.00	0.00	47.06
2007	6.02	28.09	21.91	3.34	0.00	0.67	39.97
2008	6.90	35.23	19.34	3.00	3.75	6.90	24.89
2009	5.96	35.95	12.78	3.07	5.11	6.47	30.66
2010	3.09	34.27	16.57	2.53	3.51	5.48	34.55
2011	4.48	28.50	20.52	3.39	3.65	3.27	36.18
<b>Average %</b>	<b>4.66</b>	<b>29.11</b>	<b>20.12</b>	<b>3.49</b>	<b>3.47</b>	<b>3.29</b>	<b>35.85</b>

of the act through a notification. Beyond that, the Act contains provisions that indirectly allow this broad scope to be enlarged if certain acts that fall outside the ambit of the legislation are perceived to be serious by the police. This measure is meant to give the police latitude in pursuing serious offenses. The potential for abuse here is glaring, and this leads to an overburdening of the machinery meant to cater to cases of terrorism. An inevitable consequence is that the courts have, over time, become wary of awarding harsher punishments even in real terrorism cases. Looking at all incidences of wrong registration under the Act, the wider point is that the intent of the lawmaker is being abused because of a misapplication of the Act and a critical absence of safeguards against such abuse within the Act itself.

### Prosecution of Cases under the Anti-Terrorism Act

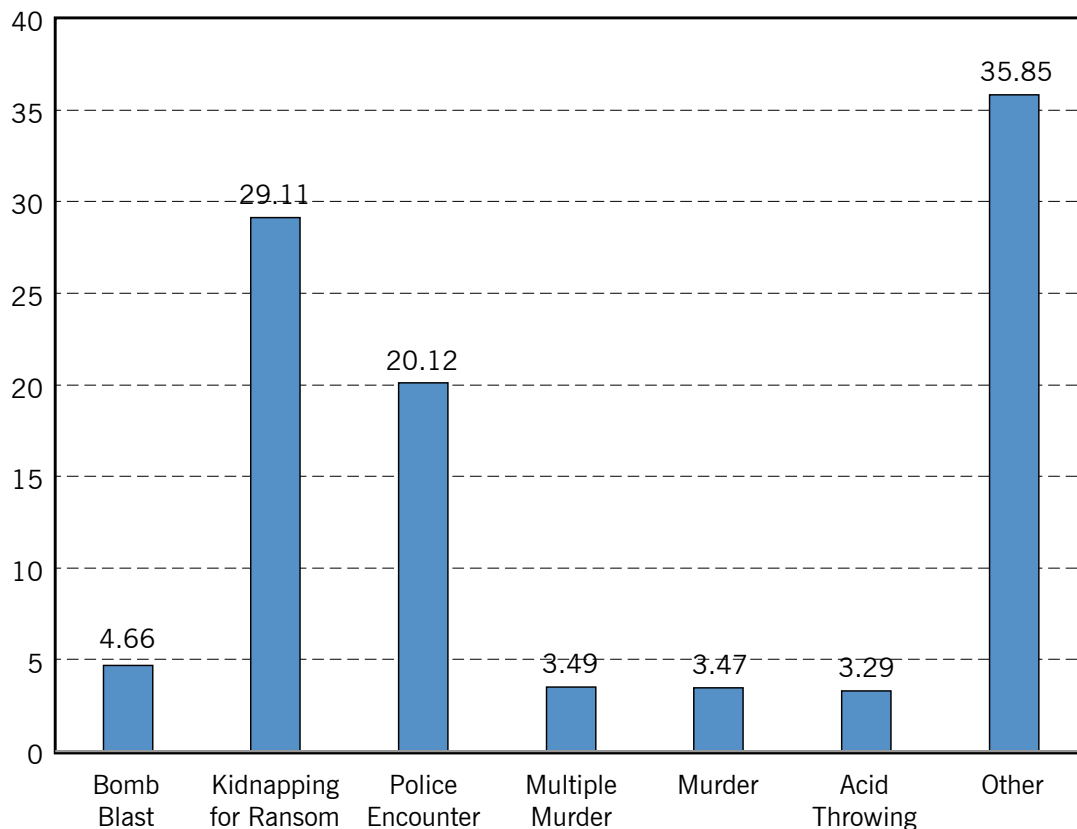
Having examined the cases that are sent to the antiterrorism courts on the basis of police investigation, an analysis of the cases that are actually tried is in order. The earlier examination reflects quantitative police performance in terms of numbers, but the following analysis reflects the quality of investigations and prosecution. Further, it analyzes the performance of the courts operating under the Anti-Terrorism Act and the effectiveness of antiterrorism law in terms of punishments, convictions, and deterrence.

Tables 3A and 3B detail prosecutions in antiterrorism courts from 2005 to 2011 in absolute and percentage terms, respectively. It is important to note that there is a considerable lag between the registration date of these cases and their eventual decision in court—generally several years—and that after these cases are decided, most enter into a lengthy appeals process before sentencing commences.

Looking at the figures, several observations can be made:

- The most telling statistic in these figures is the rate of conviction in cases registered under the Anti-Terrorism Act. The highest conviction rate is slightly over 28 percent, and the annual average is just over 18 percent. This means that approximately 82 percent of the total cases tried do not end in conviction. When this figure is combined with the total cases sent to court after registration (80 percent), it reveals that the chance of a case registered under the Act ending in a conviction is approximately 14 percent. Conversely, the average rate of acquittal is high, at slightly over 36 percent.

**Figure 1: Average Share of Cases Registered under the Anti-Terrorism Act in Punjab, 2005–2011**



- In nearly 13 percent of the cases that arrive in antiterrorism courts, the court finds that the act was applied incorrectly, and therefore the case should be tried in ordinary courts (“transferred”). When this figure is added to the combined total of cancelled and deleted figures (6.54 percent and 2.19 percent, respectively) in Table 1, the extent of the problem becomes clear, as almost 22 percent of cases registered under the act in the first instance are ultimately determined to be out of the Act’s scope.
- A large proportion of cases remain under trial at the end of each year, illustrating the extensive decision time for cases tried under the Act.

Table 4 reveals an interesting fact about the present legislation. In cases in which explosives are used for the purposes of terrorism, the act of possession or use is not covered under the Anti-Terrorism Act, but under the 1884 Explosives Act. Similarly, recovery of illegal weapons, even when involved in cases of terrorism, is covered not under the Anti-Terrorism Act, but under the 1965 Arms Ordinance. In order to examine the outcomes of cases involving terrorist acts, not in technical terms but in terms of their impact, it is necessary to look at cases in which the Explosives Act has been applied in addition to the Anti-Terrorism Act. Looking at the conviction data in cases involving the Explosives Act (see Table 4), it is clear that the ratio of convictions in these cases is abysmally low—even when compared with the otherwise low conviction rates under the Act. Ultimately, this means that the area truly meant to be addressed by the Act (i.e., terrorist attacks involving explosives with a potential for mass casualties) has not been adequately addressed because of the absence of a separate definition and punishment for possession or use of weapons of mass destruction under the Act.

**Table 3A: Prosecution in Special Antiterrorism Courts, 2005–2011**

Year	Previous Balance	Newly Instituted	Total	Convicted	Acquitted	Transferred	Under Trial
2005	512	665	1,177	170	213	180	560
2006	560	854	1,414	335	455	178	446
2007	446	819	1,265	287	477	153	351
2008	351	768	1,119	169	383	206	361
2009	361	791	1,152	150	450	149	407
2010	407	831	1,238	240	593	79	326
2011	326	687	1,013	167	401	117	326

**Table 3B: Prosecution in Special Antiterrorism Courts, 2005–2011 (percent)**

Year	Convicted	Acquitted	Transferred	Under Trial
2005	14.44	18.10	15.29	47.58
2006	28.46	38.66	15.12	37.89
2007	24.38	40.53	13.00	29.82
2008	14.36	32.54	17.50	30.67
2009	12.74	38.23	12.66	34.58
2010	20.39	50.38	6.71	27.70
2011	14.19	34.07	9.94	27.70
<b>Average %</b>	<b>18.42</b>	<b>36.07</b>	<b>12.89</b>	<b>33.71</b>

### Police Rules and High Court Rules

An important piece of corroborating evidence is the identification parade of accused by the victims of offenses. Even in terrorism cases, courts ask that one be conducted. The present procedure for the identification parade given in the Police Rules and in the High Court Rules is outdated and does not ensure the protection of witnesses.<sup>10</sup> The practice requires a victim to go to jail, stand in front of a lineup, and virtually touch the accused who has been identified. The complete disregard for the safety of victims has obvious ramifications. Similarly, there is no provision in the Act for “trial incognito” or victim protection through voice and face distortion during trial proceedings, even though these are considered international best practices.

The 1984 Evidence Act defines “evidence” only as direct testimony in court.<sup>11</sup> Modern types of evidence are not covered under the Act.

<sup>10</sup> See 1934 Police Rules. Rule 26.32 for the procedure of identification parades dates back to 1934. The Lahore High Court Rules, Volume 3, Chapter 11, Part C deals with identification of accused and dates back to instructions issued in 1936.

<sup>11</sup> The Qanoon-e-Shahadat Order 1984; see Article 2 of the Order for a definition of “evidence.”

**Table 4: Convictions under the Explosives Act by Antiterrorism Courts in Punjab, 2008–2011**

Year	Total Convictions	Convictions in cases where Explosives Act applied	% of total convictions during the year
2008	169	5	2.96
2009	150	14	9.33
2010	240	17	7.08
2011	167	14	8.38

Changes in the Police Rules can be made through the instructions issued by the government, while changes in the High Court Rules require the assent of the High Courts. Amendments to the Evidence Act can be introduced by Parliament.

### Recommendations

The foregoing picture illustrates the unsatisfactory nature of the present legal and institutional regime for pursuing terrorism cases in Pakistan. While the data are limited to Punjab, the lessons can be easily applied across Pakistan. If certain steps are taken, the police and the courts can be effective in responding to and controlling terrorism in Pakistan. In view of the foregoing analysis, the following recommendations are proposed:

- Completely revise Anti-Terrorism Act 1997 to ensure that it addresses the areas it was intended for and does not leave room for abuse.<sup>12</sup> This would require at least five actions:
  1. Assign circumscribed, relevant, definitions for the following key terms: “terrorism,” “terrorist act,” “weapons of mass destruction,” and “suicide bombing.” These definitions should reflect a careful understanding of the types of crimes that should be covered under the Act.
  2. Prescribe new categories of offenses that cover crimes that are currently out of scope of the Act but are inexorably linked to the terrorist problem and thus should be prosecuted under the Act. These include the following:
    - Federal offenses for both the interprovincial transportation of explosives and arms and conspiracy to attack across provincial boundaries.
    - Attacks on buildings and infrastructure of special national significance.
    - Possession of arms or explosives for use in terrorism, as a strict liability offense with heavier penalties for larger quantities.
    - Use of nuclear, chemical, or biological weapons in terrorist attacks.
  3. Provide procedural safeguards to ensure that strictly terrorism cases are registered under the Act. This involves removing non-terrorism-related offenses (such as murders and police encounters) from the ambit of the Act. Next, as a safeguard against abuse, registration should require the approval of senior police officers.

<sup>12</sup> This recommendation draws considerably on the article by Zulfiqar Hameed, “The Need for Reform in Anti-Terror Laws,” *Friday Times* (Pakistan), January 13, 2012, accessed May 31, 2012, <http://www.thefridaytimes.com/beta2/tft/article.php?issue=20120113&page=8>.



4. Modify the Evidence Act and High Court Rules to provide for incognito trials, protection of the identity of witnesses, a simpler procedure for admissibility of modern types of evidence (e.g., cell phone call data) in terrorism cases, and more effective rules for police testimony.
  5. Confer legal powers on investigating officers to obtain a broader spectrum of information on a real-time basis for suspects involved in terrorism cases. Examples include basic information such as travel history, financial and banking transactions, phone call details, and cell phone data. Such information is presently either unavailable or subject to lengthy, delayed procedures.
- Create a special cadre of terrorism investigators, given the chronic shortages of manpower, logistical resources, and expertise in ordinary police stations. Although the Anti-Terrorism Act provides for special courts, the same consideration is not made for investigators. These investigators should be properly trained, equipped with the necessary resources, and granted the legal powers outlined earlier. Punjab has already taken a step in this direction by establishing the Counter Terrorism Department within the Punjab Police.<sup>13</sup> All terrorism cases should be assumed in the first instance by investigators from this cadre, instead of ordinary investigating officers, who are unequipped to handle such complicated and high-profile cases.
  - Establish a specialized federal agency for federal offenses under the act. The National Counter Terrorism Authority (NACTA), established in 2009, represents a step in the right direction, but the organization has been hampered by legal, organizational, and financial constraints. If freed from these constraints, NACTA could have jurisdiction over federal offenses under the Act as well as all national counterterrorism efforts. It would also serve as a national clearinghouse for all data on terrorism.
  - Create an effective protection program for victims, witnesses, and officials (investigators and judges). Data from a recent report shows that the most common reason for acquittal in terrorism cases in Punjab is related to witness issues, with hostile witnesses representing 48 percent; lack of witness testimony, 27 percent; and witnesses retracting their testimony because fear of reprisal, 27 percent.<sup>14</sup> An effective witness protection program is urgent in view of these findings.
  - Introduce modern methods of investigation into the legal regime. The concepts of plea bargains, polygraph testing, and relative guilt have been suggested, and they are positive ideas for reform. Police also need effective forensic support, and the legal regime must provide for forensic evidence admissibility in cases of terrorism.

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<sup>13</sup> For more details, see Counter Terrorism Department (CTD), Punjab Police, updated April 17, 2012, <http://punjabpolice.gov.pk/ctd>.

<sup>14</sup> See "Why Do Terrorism Cases Fail in Court? An Empirical Analysis of Acquittal Cases in Punjab," report submitted by the CTD to the government of Punjab, 2011. This report was compiled by Syed Ejaz Hussain Shah, deputy inspector general of police of the CTD.

# De-Radicalization and the Role of the Police

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*Muhammad Amir Rana*

**A**growing realization that current counterterrorism efforts will not suffice to check the menace of religious extremism and radicalism has prompted governments around the world to develop “counter-radicalization” strategies aimed at preventing further radicalization of individuals and groups, as well as “de-radicalization” strategies to disengage, rehabilitate, and reintegrate existing radicals. Under this multidimensional approach to counterterrorism, efforts focus on confronting the threat through a disengagement strategy, while simultaneously employing the state’s coercive apparatus.

This chapter will review the police’s role in Pakistan’s limited-scope de-radicalization program and identify areas in which the force can contribute more effectively. It will also suggest measures for strengthening the role of the police in these programs, drawing on the personal experiences of the author, views of senior police officials and experts, and approaches taken in the international community.

## The Role of the Police

The strength of a militant’s ideological and political convictions makes it difficult to disengage the individual from violent and extremist tendencies. While a number of countries have developed de-radicalization programs to deal with this issue, their success thus far is debatable. Ultimately, success depends largely on the role of the police and prison administration, as many of these programs—such as those in Egypt, Saudi Arabia, Indonesia, Malaysia, Singapore, and the United Kingdom—are run in prisons. Many of these countries have assigned key responsibilities for their de-radicalization programs to the police.

The prison-based approach to de-radicalization offers several advantages. First, prisons provide an atmosphere in which detainees are exposed to diverse viewpoints. Second, if the inmates were not engaged in these constructive de-radicalization activities, they would likely use their time in prison to mobilize outside support, radicalize other prisoners, and form an operational command structure.<sup>1</sup> Finally, the approach allows police to monitor the post-release activities of rehabilitated militants and help them integrate into society, thereby reducing the risk of recidivism.

As the police are responsible for positively representing state authority, their behavior toward citizens plays a critical role in promoting law-abiding attitudes among the public. Good relations with citizens can help the police cultivate trust, while antagonistic or abusive relations can provoke aggression, criminality, and even terrorism—particularly among youth. A survey conducted by the Pak Institute for Peace Studies with 12 families of alleged terrorists shows that four of them were willing to return to their normal lives, but because of law enforcers’ alleged “negative” behavior, they were unable to do so.

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<sup>1</sup> “Prisons and Terrorism: Radicalization and De-Radicalization in 15 Countries,” International Centre for the Study of Radicalisation and Political Violence, 2010, accessed June 20, 2012, <http://icsr.info/publications/papers/1277699166PrisonsandTerrorismRadicalisationandDeradicalisationin15Countries.pdf>.

In this context, it is difficult for Pakistan to engage police in rehabilitation or de-radicalization programs, particularly when the police are themselves the targets of militants. The security forces' struggle and physical sacrifices in maintaining law and order in conflict zones notwithstanding, issues of operational capacity and counterterrorism training are also generally overlooked in policy discourse.

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### Before the launch of the detainee rehabilitation program in Swat, de-radicalization was an alien concept to Pakistan.

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As will be explained, Pakistan's terrorist detainee rehabilitation program is based on the post-insurgency perspective of the experience in Khyber Pakhtunkhwa's Swat District. The police play a minimal role, while the military runs the entire project. The Punjab government has followed this path as well, assigning little responsibility to the police.

### The De-Radicalization Model

Before the launch of the detainee rehabilitation program in Swat, de-radicalization was an alien concept to Pakistan, which focused entirely on countering militancy and terrorism through military action or limited diplomacy.

The Pakistan Army launched the Swat initiative for detainee rehabilitation in 2009 after a successful military operation against extremist militants in the area. During the operation, thousands of militants and their supporters surrendered, were arrested, or were turned in by their families. In 2010, the army decided to screen detainees as a way of identifying serious militants. A de-radicalization program was then launched for those detainees who were not considered serious militants. As of June 2012, the Swat initiative was still in its initial phase.

In many countries, rehabilitation programs for detainees are part of a larger de-radicalization strategy that comprises four major approaches. These approaches operate at the security, societal, ideological, and political levels and are based on the concepts of de-radicalization and counter-radicalization (see Table 1).

**Table 1. De-Radicalization Approaches**

Approach	Focus	Strategy	Objective
Security	Detainees	Rehabilitation	Reducing security threats
Societal	Vulnerable communities	Engagement	Developing moderate tendencies
Ideological	Clergy	Highlighting religion's emphasis on peace	Developing counter arguments/narratives
Political	Society at large	Winning hearts and minds	Neutralizing security threats

Best practices on countering radicalization combine all four approaches. Different countries employ varying strategies, ranging from engagement of extremists and militants to winning the hearts and minds of the people. Methods also differ between Muslim-majority states and states with a sizeable but minority Muslim population. Programs developed by Muslim-majority states tend to focus on prevention and on the creation of an ideological response to radicalization. The Egyptian, Yemeni, Jordanian, and Indonesian

models, for instance, essentially developed as ideological responses, while the Saudi model emphasizes rehabilitation through psychological and social modules.

## Pakistan's De-Radicalization Approach: The Swat Experience

Pakistan's rehabilitation program in Swat is not part of a comprehensive policy. Instead, the Pakistan Army developed the program solely from a counterinsurgency perspective. The initiative began at an initial cost of Rs. 4.4 million, which was provided by the Khyber Pakhtunkhwa provincial government.<sup>2</sup> It has three main components: Project Sabaoon, which focuses on juveniles; Project Mishal, which concentrates on adults; and Project Sparlay, which focuses on the families of detainees.

Under the Swat initiative, rehabilitation efforts are divided into four main modules. The first module is an educational module designed to enable juveniles to continue their education. The second module provides psychological counseling and therapy to develop independent and logical thinking. The third module addresses social issues and incorporates family participation. The fourth module includes vocational training to help detainees earn a living. Through these initiatives, more than 400 individuals have been reintegrated into society thus far.<sup>3</sup>

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**Programs developed by Muslim-majority states tend to focus on prevention and on the creation of an ideological response to radicalization.**

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### Project Sabaoon, Project Mishal, and Project Sparlay

Dr. Muhammad Farooq Khan, a leading moderate religious scholar, was the key figure in developing the Sabaoon component of the program. Specifically, Dr. Khan developed counterarguments and narratives to confront extremist rhetoric.<sup>4</sup> His charismatic personality was the driving force behind the initial success of the initiative. His eventual assassination by the Taliban in 2010 was undoubtedly a setback for the project.

Project Mishal aims to provide “an environment conducive for restoring the self-respect for selected individuals to de-radicalize and remove their psychological burden caused by ideological exploitation and/or coercion so as to make them and their families useful citizens of the society.”<sup>5</sup> A screening process was used to select low-cadre militants who did not have a leadership role and were not directly involved in killings or sabotage activities. According to the deputy inspector general of police for the Malakand Division (which includes Swat), this program likely prevented the radicalization of many. He did observe, however, that the phase following their reintegration seemed to be the weakest link because of the effect of the community's attitudes toward the detainee and the total dependence on authorities for sustaining the de-radicalization initiatives.<sup>6</sup> Indeed, authorities at the Mishal Rehabilitation Centre stated that only 11 of the released individuals had received adequate financial support to start some sort of work or activity that would allow them to have access to livelihood opportunities.

Project Mishal suffered shortcomings because of the insufficient attention paid to financial constraints during the development of these initiatives. While it did not face any fiscal challenges, the Sabaoon pro-

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<sup>2</sup> Dr. Khadem Hussain, director, Bacha Khan Trust, Peshawar, interview with the author, July 13, 2011, Islamabad.

<sup>3</sup> Qazi Jamilur Rehman, deputy inspector general, Malakand Police, interview with the author, July 4, 2011.

<sup>4</sup> Dr. Muhammad Farooq Khan, “An Overview of Project ‘Sabaoon,’” report on the 1st Strategic Workshop on Rehabilitation and De-Radicalization of Militants and Extremists, FATA Capacity Building Project, FATA Secretariat, May 2010.

<sup>5</sup> Qazi Jamilur Rehman, interview.

<sup>6</sup> Ibid.

gram instead suffered from a dearth of involvement and support from scholars. In addition to addressing these issues, the government will need to expand programs beyond low-cadre militants. If authorities can disengage some mid-level cadres, these militants could prove to be valuable assets in the de-radicalization process because of their influence and respect among militants and their understanding of the sociocultural and ideological environment.

### The Swat Model

The Swat rehabilitation program is based on the Saudi model, which many analysts deem a professional, coherent, and comprehensive counseling program. The aim of the counseling program is to “deal with the wrong convictions of the detained persons in order to change and substitute them with correct convictions that agree with the middle way of Islam and its tolerance.”<sup>7</sup> The program is overseen by a special advisory committee that consists of four subcommittees—religious, psychological and social, security, and media.<sup>8</sup>

The Swat model can be replicated in other parts of the country only after addressing its framework deficiencies and intellectual and financial constraints. The civil administration must shoulder some of the responsibility. In other countries, such initiatives have been taken up by the government and implemented by the civilian administration. In Pakistan, only a representative and accountable political system will have the credibility, legitimacy, and mandate to take on the ideological and political challenges of the de-radicalization process.

### The Role of the Police and the Scope of Engagement

In the Swat de-radicalization program, the role of the police was very limited but important. Swat police were part of the army’s survey team that carefully identified candidates for de-radicalization and rehabilitation. The force was also responsible for the postrelease monitoring of rehabilitated individuals. Under a similar program, the Punjab government has set up a technical training center in Rajanpur District for members of banned organizations in order to reintegrate them into society.<sup>9</sup> So far, police there have no role in the program.

At the same time, police involvement in de-radicalization throughout Pakistan is made more difficult by the fact that the police do not enjoy the trust of the people as a result of rampant corruption and what is generally perceived as “selective, discriminatory and skewed responses of the police towards citizens.”<sup>10</sup> At the same time, the police are permanent targets of religiously motivated militant groups, such as Tehrik-e-Taliban Pakistan and Baloch insurgent groups. In 2010 and 2011 alone, 418 policemen were killed in terrorist attacks or clashes with militants, while another 640 were injured.<sup>11</sup> These realities leave little space for police to engage effectively in de-radicalization and rehabilitation programs in Pakistan. As a result, progress depends on reforming both the police force and the de-radicalization programs already in place.

### The International Experience

As mentioned, most rehabilitation and de-radicalization programs across the world involve police participation. In the United Kingdom, for example, the police run a “Channel Project,” in which officers work alongside members of Muslim communities to rehabilitate extremists.<sup>12</sup>

<sup>7</sup> Hamed El-Said, “De-Radicalising Islamists: Programmes and Their Impact in Muslim Majority States,” International Centre for the Study of Radicalisation and Political Violence, January 2012, accessed June 20, 2012, <http://icsr.info/publications/papers/1328200569ElSaidDeradicalisation.pdf>.

<sup>8</sup> Saba Noor and Shagufta Hayat, “Deradicalization: Approaches and Models,” *Conflict and Peace Studies*, vol. 2, no. 2 (April 2009), accessed June 20, 2012, <http://san-pips.com/download.php?f=116.pdf>.

<sup>9</sup> Pak Institute for Peace Studies, “Pakistan Security Report 2011,” January 2012, accessed June 20, 2012, <http://san-pips.com/download.php?f=108.pdf>.

<sup>10</sup> Manzar Zaidi, interview.

<sup>11</sup> The statistics are based on Pak Institute for Peace Studies’s monthly and annual security reports; see [http://san-pips.com/index.php?action=reports&id=psr\\_1](http://san-pips.com/index.php?action=reports&id=psr_1), accessed June 20, 2012.

<sup>12</sup> Katherine Seifert, “Can Jihadis Be Rehabilitated? Radical Islam,” *Middle East Quarterly*, vol. 17, no. 2 (Spring 2010): 21–30.

The police play an important role in de-radicalization programs in many Muslim-majority countries as well. Indonesia's de-radicalization program is based on the belief that the police can change the militants' assumption that government officials are anti-Islamic. The police treat prisoners kindly and provide them with financial support.<sup>13</sup> In Malaysia, the police play a major role in monitoring militants after their release. The program involves another dimension, however: officers use threats and coercion to deter militants from reengaging in militancy and terrorism. In fact, fear and threats of harsh punishments are a key component of the Malaysian de-radicalization program. Militants are beaten, tortured, and subjected to long periods of solitary confinement, in addition to other punishments.<sup>14</sup>

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**Police involvement in de-radicalization throughout Pakistan is made more difficult by the fact that the police do not enjoy the trust of the people.**

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## Recommendations

Considering current de-radicalization efforts in Pakistan and elsewhere, the following recommendations can be put forward:

- The Swat model was developed from a post-insurgency perspective, and its counterargument modules focus on defusing antistate tendencies. In Pakistan, the militant landscape is quite complex. In the presence of other violent actors involved in international and regional terrorism, this narrative cannot prevent them from joining other groups. These programs should seek the complete denunciation of extremism. To this end, a viable ideological anchor needs to be provided within the framework of nationalism and pluralism.
- A comprehensive de-radicalization program in Pakistan should engage the police, particularly in post-release monitoring and facilitating the reintegration of released individuals. In Pakistan, a multilevel coordination mechanism should be developed to connect district- and subdistrict-level police offices to different departments and institutions of technical education through district coordinator officers (DCOs). According to the Fourth Schedule of Anti-Terrorist Act 1997, the police must maintain lists and records of suspected terrorists to help DCOs monitor the needs of reformed prisoners and refer them to the relevant departments and institutions.
- The ultimate goal of de-radicalization policies in Pakistan should be to prevent recidivism by helping released prisoners and ex-militants gain life skills, receive an education, and reintegrate into society. As is the case for successful de-radicalization programs throughout the world, those in Pakistan should emphasize the postrelease stage, during which rehabilitated detainees receive sufficient after care.
- Besides post-release monitoring, regularly liaising with ex-militants, and coordinating with other state institutions in a broader de-radicalization program, the police in Pakistan should pursue a behavioral reform program. This entails treating inmates kindly in police stations and prisons. In pursuing police and de-radicalization program reform, Pakistan should look to the humane Indonesian system.
- Police in Pakistan should coordinate with the family members of detained militants and encourage community involvement in the rehabilitation and reintegration process.

<sup>13</sup> Kristen E. Schulze, "Indonesia's Approach to Jihadist De-Radicalization," *CTC Sentinel*, vol. 1, no. 8 (July 15, 2008), accessed June 20, 2012, <http://www.ctc.usma.edu/wp-content/uploads/2010/06/Vol1Iss8-Art3.pdf>.

<sup>14</sup> Zachary Abuza, "The Rehabilitation of Jemaah Islamiyah Detainees in South East Asia," in *Leaving Terrorism Behind*, ed. Tore Bjorgo and John Horgan (New York: Routledge, 2009), 207–8.

# The National Counter Terrorism Authority

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*Tariq Parvez*

**T**he September 11, 2001 terrorist attacks necessitated fundamental changes in the way the world responded to terrorism. Many countries that considered themselves particularly vulnerable to terrorist threats became aware of the acute need to evaluate the ability of their existing counterterrorism institutions to deal with the greater magnitude of the terrorist threat, to integrate counterterrorism efforts, to strengthen antiterrorism laws, and to initiate large-scale research to understand the different dimensions of the threat's new face.

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**According to the Constitution of Pakistan, maintaining law and order is among the basic responsibilities of the country's provinces.**

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Comprehensive national counterterrorism strategies were drawn up (e.g., the counterterrorism strategy or CONTEST in the United Kingdom), and a variety of new counterterrorism institutions were created (e.g., the Department of Homeland Security and National Counterterrorism Committee in the United States, the Office for Security and Counter-Terrorism in the United Kingdom, and Detachment 88 in Indonesia)

to develop and integrate national counterterrorism efforts. New antiterrorism laws were passed (e.g., the USA PATRIOT Act in the United States), or existing laws were updated with new provisions. Think tanks in the West focused increasingly on understanding the phenomenon of terrorism in the name of religion and anticipating future trends. Pakistan—arguably the most important country in the global effort against terrorism—by and large continued to deal with the new threat using an old framework of counterterrorism.

In 2009, however, the Pakistani federal government took a major step forward by setting up the National Counter Terrorism Authority (NACTA) to guide and integrate the national counterterrorism effort. This chapter will explain this concept and evaluate its potential.

## **The Existing System of Counterterrorism**

According to the Constitution of Pakistan, maintaining law and order is among the basic responsibilities of the country's provinces. Policing is conducted at the provincial level, with each province maintaining its own police force. As far as law and order is concerned, the federal government's responsibility is to provide additional support to provincial governments upon request. The federal government has its own law enforcement agency, the Federal Investigation Agency (FIA), which is governed by an act of Parliament and can investigate only those offenses allowed by the act.

## Structures

The following structures currently exist to deal with counterterrorism in Pakistan:

- **Local Police:** These forces have the authority to collect intelligence on terrorist networks and monitor those suspected of having links with terrorists (names are placed on the Fourth Schedule of the Anti-Terrorism Act). Local police have sole authority to investigate cases of terrorism that take place in their jurisdiction unless the investigation is transferred to another agency by the relevant authority.
- **Crime Investigation Department (CID), known as the Counter Terrorism Department (CTD) in Punjab Province:** This body is meant to help focus counterterrorism efforts in the respective provinces. It has the legal authority to collect, collate, and disseminate intelligence on terrorist networks and to investigate cases of terrorism transferred to it from the local police by the provincial government. It maintains a database of terrorists who are most active in the province.
- **Special Branch:** This is the province's premier police intelligence agency. Since the creation of CIDs/CTD, the emphasis on collecting intelligence on terrorism has taken on secondary importance. The Special Branch, however, can collect intelligence on terrorism and pass it on to CIDs/CTD.
- **Federal Investigation Agency (FIA):** The premier police investigation agency at the federal level. After the September 11 attacks, a new wing was set up within the FIA called the Special Investigation Group to investigate cases of terrorism referred to it through the mutual consent of the relevant provincial government and the federal government. The FIA also maintains a national database of individuals with terrorist connections.
- **Intelligence Bureau (IB):** The IB is the only police intelligence outfit at the federal level. It has a counterterrorism wing that is responsible for collecting terrorism-related intelligence and passing it on to concerned quarters for necessary action.
- **Inter-Services Intelligence (ISI):** This is a predominantly military organization operating at the federal level. The counterterrorism wing of the ISI is responsible for collecting intelligence on terrorist networks and disseminating it to the concerned quarters.
- **Frontier Corps:** This is a paramilitary force that deals with the insurgency in Balochistan and the Federally Administered Tribal Areas (FATA).
- **Sindh Rangers:** This is a paramilitary force that assists the Sindh police in carrying out antiterrorism duties in Karachi. They have also been given police powers of arrest.
- **Military Intelligence and the Directorate of Military Operations:** These two departments of the military are active in operations against insurgents in FATA and Swat.
- **National Counter Terrorism Authority (NACTA):** This institution was set up at the federal level in 2009. As will be explained, it is still experiencing growing pains and has not yet started to operate effectively.

## Existing Counterterrorism Efforts

Before discussing the concept, role, and structure of NACTA, it is necessary to describe some important areas of concern in Pakistan's existing effort in Pakistan.

First, the existing national counterterrorism effort in Pakistan is based almost exclusively on a capture/kill approach by the police and concerned paramilitary and military departments. The drawback of a focus



on arresting and killing militants is that it is extremely lopsided, as it does not place due emphasis on the process and factors that breed militants, nor does it seek measures to ensure conviction after militants are arrested. The net result is that although a large number of militants are arrested by security forces, large numbers of new recruits continue to join the ranks of the militants.

Similarly, a lack of attention on securing the conviction of arrested militants in court leads to an abysmally low conviction rate, which reduces the deterrence value of the criminal justice system in the eyes of militants. Even if they are arrested, suspected terrorists are usually sure that they will unlikely be convicted, for various reasons. The net result of this approach is that existing responses have very limited effectiveness in reducing militancy in the long term.

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**A focus on arresting and killing militants does not place due emphasis on the process and factors that breed militants.**

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Second, Pakistan has no national counterterrorism strategy despite 20 years of experience in combating terrorism. Consequently, the current effort is ad hoc, lacks any national sense of direction, and has no long-term plan to deal with such a crucial threat. There is no national counterterrorism action plan indicating what needs to be done, by whom, and according to what timeline. As a result, there is no unity of effort at the national level to combat what many consider an existential threat to Pakistan and a threat to global peace.

Next, the existing national counterterrorism effort in Pakistan is fragmented, which is debilitating to the country's response. The effort is broken up between the provincial police forces and intelligence agencies, between the provinces and the federal government, between different ministries and departments of the federal government, and, above all, between the civil and military counterterrorism departments. The existing national counterterrorism effort is led by the military, with the ISI acting as the lead agency and the police playing a secondary role. This is a fundamentally flawed approach. Counterterrorism basically involves arresting terrorists, collecting evidence against them, and getting them convicted in the courts. This is primarily a police job, but leaving this task to an intelligence agency—particularly one that is predominantly military in nature—introduces fundamental distortions, most clearly manifested in the missing persons phenomenon that is currently being witnessed in Pakistan. It is absolutely imperative to declare the police force the lead agency for counterterrorism in the provinces.

The existing policy of using militant proxies as instruments of state policy to achieve foreign policy goals leads to ambiguity in dealing with militant entities. There is a need to have a civilian agency in place with the capability and stature to discuss national security policy and to give well-considered policy options to the government to debate and decide in consultation with the political leadership, military, and other stakeholders.

Finally, efforts to understand the phenomenon of terrorism in Pakistan through rigorous research are almost nonexistent. Research on terrorism-related subjects must be encouraged, both in government-sponsored think tanks and in independent research groups connected to civil society.

### **The Concept of NACTA**

NACTA was conceived as a civilian agency operating at the national level and responsible for orchestrating and coordinating the national counterterrorism effort by taking the following steps:

- Draw up a National Counter Terrorism and Extremism Strategy (NACTES) with input from all national and provincial stakeholders for approval by the political leadership.
- Generate a National Action Plan to implement the NACTES, in consultation with all implementing departments and institutions, according to set timelines.
- Address all three dimensions of militancy: violent extremism, terrorism, and insurgency.
- Draw up a research plan to look into the various aspects of militancy in Pakistan and to provide support for research projects.
- Collect, collate, and disseminate intelligence from all provincial, federal, and military agencies as part of an effort to prepare a comprehensive national security analysis for governments at the federal and provincial levels.
- Act as a one-stop shop for liaising with international organizations and other states with regard to counterterrorism interaction and assistance.

### The Structure of NACTA

As originally envisioned, NACTA is to be headed by a national coordinator (equivalent in rank to the inspector general of police) who is assisted by a deputy national coordinator. It should comprise four wings: research, intelligence, counterextremism, and an international liaison.

- **Research Wing:** Headed by an eminent educationist or research scholar assisted by research officers, this wing will carry out research in areas relevant to militancy in Pakistan. The need for this wing cannot be exaggerated in view of the fact that in Pakistan, research is generally perceived as a low-priority activity. Not only are there very few serious think tanks working on militancy, but also the government does not provide funds to finance research. Without research, most policy making in Pakistan is based on anecdotal evidence, personal experiences, or unverified statistics.
- **Counterextremism Wing:** Headed by an eminent educator, a religious scholar, a media expert, or any suitable person with relevant experience, this wing will address a gap in the existing counterterrorism effort, which focuses on a capture/kill approach and ignores the process and ideology of militancy that breeds new terrorists. Presently, terrorist organizations have an open field to spread their narrative and have a steady stream of new recruits.
- **Intelligence Wing:** Headed by a senior police officer, with representatives from the ISI, IB, and provincial CIDs/CTD.
- **International Liaison Wing:** Headed by a police officer and responsible for dealing with international bodies in the field of counterterrorism and extremism.

### The Present Status of NACTA

Although it was formally set up in 2009, NACTA has yet to take off.<sup>1</sup> This is partly attributable to a tussle over ownership of the organization. Presently, it is part of the Ministry of Interior, which maintains direct and strict control over it. Some provinces and federal intelligence agencies, however, feel that if NACTA is to become an effective coordinating body among counterterrorism stakeholders in the provinces and

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<sup>1</sup> For details, see Ahmad Hassan, "Counter-Terrorism Authority Dormant," *Dawn*, May 25, 2011, accessed May 30, 2012, <http://dawn.com/2011/05/25/counter-terrorism-authority-dormant/>.

the intelligence agencies, it should be under the direct supervision of the prime minister of Pakistan.<sup>2</sup> Not only would this lend necessary stature to such a coordinating body, but reporting to the prime minister would also make it more effective and useful.

This issue has still not been resolved, and as of June 2012 NACTA leadership was in the process of preparing legislation to be presented to the prime minister for a final decision. It goes without saying that if NACTA continues to be a part of the Ministry of Interior, it will be a nonstarter, with important stakeholders such as provincial governments and federal intelligence agencies not fully cooperating with it.

### Prospects for NACTA

NACTA would be an institution that not only would take a long-term measure of the challenge of terrorism in Pakistan, but also would ensure that all dimensions of militancy in Pakistan—violent extremism, terrorism, and insurgency—would be treated with due importance. As the supreme national counterterrorism civilian body, NACTA can influence overall national security policy, effectively transferring, in due course, the ownership of the national security strategy from the military to the civilian government in Pakistan.

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**If NACTA continues to be a part of the Ministry of Interior, it will be a nonstarter.**

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In the strategic dialogue between the United States and Pakistan on security held in Islamabad in June 2010, it was decided that the first point of cooperation between the United States and Pakistan for achieving strategic unity in counterterrorism would involve strengthening and supporting NACTA.<sup>3</sup> It was also

decided that the National Counterterrorism Committee in the United States and NACTA in Pakistan would cooperate closely with each other as twin organizations. For counterterrorism efforts in Pakistan to succeed, it is necessary to implement the decision taken by the two countries during the Strategic Dialogue on Defense.

The need for coordination of the national counterterrorism effort by a civilian agency with adequate stature, authority, and competence is critical to the success of the Pakistani counterterrorism response. NACTA is an idea whose time has come. Sooner or later, the Pakistani government will need to depend on this national institution to get its act together on counterterrorism.

### Recommendations

To ensure that NACTA is an effective institution, the following recommendations are proposed:

- Requisite legislation to establish NACTA must be enacted as soon as possible so that it can start functioning effectively. The legislation should have input from all stakeholders, including the provinces, federal government departments, and intelligence agencies; it should not be prepared by the Ministry of Interior alone. The Parliamentary Committee on National Security, headed by Senator Raza Rabbani, is a good forum in which to discuss and finalize the legislation. The legislation would be more useful if the Defense Cabinet Committee also approved it, as it would then have the support of all political parties represented

<sup>2</sup> For details, see Tariq Butt, "NACTA Issue to Be Resolved Soon: Malik," *The News* (Pakistan), March 16, 2010, accessed May 30, 2012, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=229369&Cat=2&dt=3/15/2010>.

<sup>3</sup> Embassy of the United States, Islamabad, "Pakistan–United States Strategic Dialogue Defense Working Group: Exchange on Defense Planning," news release, June 10, 2010, accessed May 30, 2012, <http://islamabad.usembassy.gov/pr-10061001.html>.

in Parliament as well as the military authorities and the provinces. This would give NACTA the required stature and acceptability to act as the supreme national coordinating body in counterterrorism and counterextremism.

- NACTA must be immediately attached to the Prime Minister Secretariat, and the head of NACTA must be given the status of a minister of state who has the ear of the prime minister. This would help alleviate the growing pains of the organization, enabling it to start working at the earliest.
- A skeleton structure should be raised to start work on developing the basic framework of the organization. This skeleton structure must consist of personnel selected on the basis of qualification and merit, through a transparent system, preferably through the Federal Public Service Commission. The present practice of changing heads of NACTA every few months must be stopped. In less than two years, NACTA has had five heads, making it into a sort of parking lot, with officers waiting there until other positions fall vacant. This indicates that the government does not take the agency seriously, adversely affecting the takeoff of this excellent initiative. Additionally, this puts off international donors, who take it as a measure of the seriousness of the government to deal with terrorism and extremism.
- International assistance for counterterrorism in Pakistan should go toward capacity building in NACTA in the field of research on counterterrorism and counterextremism, developing the ability to carry out analysis of intelligence on counterterrorism and counterextremism, and developing and disseminating a counternarrative to militant ideology, besides other areas listed out by NACTA leadership. At the time of its establishment in January 2009, the United Kingdom and the European Union showed keen interest in its development but gave up when there was not much progress. The United States should implement provisions for NACTA, as set forth during the June 2010 U.S.–Pakistan Dialogue on Defense.

# Training and Curriculum

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*Humaira Masihuddin*

**A**s a response to the demand for an efficient system of law and order, Pakistan's Police Order 2002 marked a stark deviation from Police Act 1861. The Act, widely regarded as a tool for colonial control, never envisioned a service-oriented police, instead emphasizing their role as an instrument of the state to control the population.

For its part, Police Order 2002 was intended to rectify and reformulate the role of the police in the modern Pakistani state. It emphasized the police officer's function as both a service provider and a protector of the rights of society's vulnerable, disadvantaged, and marginalized groups. In short, the law set the tone for

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**Police Order 2002 set the tone for producing professionally competent officers ready to take on the challenges of policing in a multicultural, dynamic twenty-first-century society.**

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producing professionally competent officers ready to take on the challenges of policing in a multicultural, dynamic twenty-first-century society. Many expected that, with this new law, the state would finally develop a highly competent and sensitized police force.

In this context, questions now arise as to whether the curriculum currently used in police training institutions is adequate in meeting the long-term goals set

by Police Order 2002. The curriculum used throughout Pakistan's extensive system of police training schools and colleges must be able to produce a service-oriented and professionally competent police force with the knowledge, skill, and capacity to address the needs of vulnerable groups in society.

This chapter investigates whether the present training curriculum is capable of fulfilling the goals set out in Police Order 2002 and to determine the steps needed to ensure that it does. The chapter will look at three important curriculum topics: (1) interrogation (police–suspect interaction), (2) victimology (police–victim interaction), and (3) the treatment of vulnerable groups (police–public interaction).

## Organization of Curriculum

Generally speaking, there are five levels of training in Pakistan's training schools and colleges. Punjab Police College Sihala, for example, runs courses throughout the year that are grouped according to these levels of training. The main year-long course is for directly recruited assistant subinspectors (also called probationers). The college also runs promotion training courses for constables who are training to be head constables, intermediate courses for head constables training to become assistant subinspectors (ASIs), upper-class courses for subinspectors training to become inspectors, and advanced courses for inspectors training to become deputy superintendents of police (DSPs). Junior command courses are also held for DSPs who are training to become superintendents of police (SPs).

## Curriculum Quality

To evaluate training in Pakistan's police training schools and colleges, a sample of 14 course books and Training Needs Analysis (TNA) Manuals was collected by the author in March 2012 from National Police Academy Islamabad, Police Training School Islamabad, Punjab Police College Sihala, Police Training School Chung, and the National Police Bureau.

A general survey of courses that same month revealed a marked difference between the content taught to higher-level officers at the command level (ASPs and SPs) and that taught to lower ranking officers. The command course is focused and needs based with high-quality content, while courses for junior-ranking officers are disjointed and outdated. Further, courses for the lower ranks are not designed according to the standard training formats, which, among other key indicators, list in proper order the aims of a particular training, the competencies targeted, and the methodology used. Instead, courses taught at the lower level are largely presented in book form, composed of lengthy paragraphs that are not user friendly. While there are some newly designed course books that reflect the standard training manuals used at the higher levels, these have only just been drafted, await approval, and are specific to Punjab Police College Sihala alone.

## Interrogation

In order to address the unique role of law enforcers in Pakistani society and to ensure respect for the fundamental rights of citizens, Police Order 2002 envisioned an accountable police force whose stated goals are “to ensure that the rights and privileges under the law of a person taken into custody are protected.”

Interrogation of those in custody is undoubtedly one of the most important tools of investigation, on par with other scientific tools related to physical evidence and forensics. In Pakistan, where the police budget does not allow for advanced investigative technology, and so the police must rely heavily on interrogation, this skill deserves to be given primacy in all training courses. Currently, however, there is a dearth of courses addressing the topic. While the command course for ASPs has a graded module on the subject of investigation, in which some text is dedicated to the interviewing of witnesses and victims, no such content is offered on the interrogation of suspects.

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**The subject of interrogation is covered in a disjointed way, and the stages of interrogation are not mapped clearly.**

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Course books used in lower- and upper-level courses from Police Training School Chung do not even approach the topic. In course materials for Punjab Police College Sihala, all three levels (lower, intermediate, and upper) contained a number of multiple-choice questions in their “guide for revision” manuals, which deal extensively with the subject, but, once again, these course books need drastic improvement. Among other deficiencies, the subject is covered in a disjointed way, and the stages of interrogation are not mapped clearly.

As part of a 2003 study on police culture, the author of this chapter surveyed 100 police officers in Police Academy Islamabad and Punjab Police College Sinhala, asking them why they resorted to third-degree methods (torture) during interrogation. The most common answer was that the officers simply had not been taught any other method. Indeed, the methodical preparation that goes into an interrogation is wholly unknown to many officers. This includes conducting suspect typology, determining the amount of resistance to expect, and devising custom strategies for different suspects. Occasional lectures and workshops can hardly mitigate this serious lacuna in the training manuals.

Article 14(2) of Pakistan’s Constitution outlaws torture as a means of obtaining a confession. Further, in 2009, Pakistan ratified the Convention Against Torture, and the domestic law in the Pakistan Penal Code carries penal sanctions specifically related to torture in custody by police officials, all of which are cognizable and ineligible for bail. Training texts not only neglect to reinforce this right, but also hardly discuss the issue of torture as a means of eliciting a confession at all. In the rare instances in which torture is covered—for example, in a chapter on human rights in a course book used in a lower-level course—the text is couched in normative terms. Generally, the discussion sets standards of behavior in vague terms outside the immediate context of laws on the ground, and without reference to Article 14(2) regarding torture in custody.

Curriculum at all levels of training fails to address a fundamental issue that has a major impact on the police force, not only in terms of its capability but also in terms of its public relations. The media has vociferously campaigned against the use of third-degree methods during physical remand, and the image of the police is further tarnished each time a story regarding police brutality comes to the fore. Therefore, it is absolutely imperative that standardized modules on the interrogation be introduced across all levels.

## Victimology

The study of victimology, which involves the appropriate treatment and sensitive handling of victims, is another subject that is largely uncovered in the current police training curriculum. The insensitive handling of crime victims has created a phenomenon of “multiple victimization,” in which a person is subjected to poor treatment throughout the justice system in their interactions with police officials and judges. It is in this arena that the curriculum most seriously fails to fulfill the Order’s strategic goal of service-oriented policing. This goal cannot be achieved without standardized modules on victimization across the length and breadth of curriculum. These modules need to be graded so that trainees take them seriously.

Various nongovernmental organizations (e.g., Struggle for Change, the German Agency for International Cooperation, and the International Criminal Investigative Training Assistance Program) sponsor visiting lectures and capacity-building workshops at various police training schools and colleges. These are temporary projects, however, and are not part of a continuous, built-in training program that would have a lasting impact. Only one text, for an upper-level course taught at Police Training School Chung, addresses the subject. That text traces the stages of victimology and covers the techniques of proper victim interviewing, but it cannot be replicated in other texts for the following reasons: (1) while the stages of victimology are explained and the types of reactions to expect from the victim are described, the material fails to explain how to handle those various reactions; (2) the stages of victim interviewing are not written in a clear and methodical way according to standard training principles; and (3) the text as a whole is not user friendly, as it provides a dense body of information that is not broken down into its component parts.

One of the most important areas of discourse in victimology is the art of victim interviewing, a skill that has an impact on several areas of the criminal justice system. When victims are interviewed properly, the quality of investigation is enhanced and, as a result, prosecutions are more effective. Thus, the curriculum must include this important skill-building subject in all levels of police training. A police force that is well trained in victimology will be more service-oriented, and public perception of the police will improve substantially as a result of better victim management.

## Treatment of Vulnerable Groups

Any victim of a crime can justifiably be categorized as a vulnerable person. In course books used by the Punjab police, however, only three groups are specifically listed under this category: women, children, and (religious) minorities. In some new course books, particularly those containing multiple-choice questions for revision in Sihala, a new category, transgender individuals, has been included as a vulnerable group. This is an excellent step in the right direction.

The protection and safeguarding of the interests of vulnerable groups is one of the foremost goals of Police Order 2002, yet among the course books reviewed, only one of the books from Sihala contained a discussion on the matter. The discussion is limited to a page and a half, where all three groups are lumped together into one section. The treatment of the subject lacks depth, and no effort has been made by the course designers and writers to describe the cause of vulnerability. Once again, the three revision books with multiple-choice questions at Sihala proved that there is a willingness on the part of some police training institutions to rectify the deficiencies in the text. An effort seems to have been made to address the subject with a degree of sensitivity and care, yet the text falls far short of the minimal standard. The etiology of vulnerability is not examined in detail. The police response to situations involving vulnerable groups is not explained properly, and the relevant laws and rules applicable to vulnerable groups are missing from the text.

### Women

A number of gender-specific laws and police rules have been drafted to protect the rights of women, yet if they are mentioned at all in training materials, they are embedded in densely written texts and fail to have an impact on recruits. Furthermore, the courses are peppered with gender-insensitive comments. The discourse on gender-related issues was one of the biggest concerns of the 2009 Gender Responsive Policing Project, a joint collaboration of the National Police Bureau of Pakistan and the German Agency for International Cooperation.

That project entailed a thorough study of course books to ascertain the level of gender sensitization in the police curriculum. A systemic bias toward women was revealed, as they were consistently viewed based on their role in the domestic sphere. It was found that there was no effort to deconstruct the widely held view of women as an extension of men's honor, a classification that affects the handling of honor killings. In fact, progressive family laws made in the interests of women were described by some texts as un-Islamic and against *shariah*. Where the crimes of fornication and adultery are discussed, a woman's piety is singled out for discussion, implying that it is far more serious for a woman to indulge in adultery than it is for a man. Detailed guidelines in the Criminal Procedure Code and in police rules regarding the search, arrest, and detention of women offenders are not highlighted.

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**Course books should be written in the standard style of contemporary training manuals, rather than in the dense, non-user-friendly style currently being employed.**

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### Children

Similarly, the Juvenile Justice Ordinance for youth offenders, which guarantees the rights of juvenile offenders in the criminal justice system, is not inadequately mentioned. Once again, the multiple-choice question manuals used for revision provide a few pertinent guidelines related to the treatment of children in the criminal justice system, but treatment is superficial.



### Minorities

The treatment of minorities mirrors that of the other two groups. A few superficial comments are made about the expected standards of treatment of non-Muslim minorities in an Islamic society. Once again, the text is normative and provides no case studies. Case studies of recent interfaith clashes would provide a critical evaluation of police performance that would be helpful for training. Furthermore, exercises have not been incorporated into the text. Including these would enable the police officers to be trained on how to handle certain types of situations relevant to minorities (e.g., how to mitigate a law and order situation during an interfaith clash, or how to apply certain sections of the penal code relating to the law of blasphemy, which have been shown time and again to be abused by the majority).

### Recommendations

Pakistan needs to make serious changes to its police training curriculum:

- Course books should be written in the standard style of contemporary training manuals, rather than in the dense, non-user-friendly style currently being employed. Additionally, the passive lecture format should be abandoned in favor of training that employs a mixture of interactive methodologies, including role-playing, group work, and problem solving.
- It is a well-known fact that informal training in the field imparted by co-workers and ground realities erodes formal training over time. It is absolutely necessary to offset the effects of this informal training—which is based on the practice of “pragmatic solutions” rather than “best practices”—by instituting a built-in mechanism of continuous training that revisits the core teachings relating to service-oriented and professional policing.
- Training Needs Analysis should be carried out scientifically and continuously in order to better understand areas for improvement in training. There is a significant difference in the quality of training manuals between the lower-level courses and the command course taught at the National Police Academy, for instance. Paradoxically, some of the courses taught at Punjab Police College Sihala include the critical subjects of interrogation and treatment of vulnerable groups, without having a robust and system of TNA in place. The prestigious National Police Academy still needs to introduce these subjects, despite the existence of a proper training and planning unit.
- The quality of trainers is cause for concern among officers at nearly all levels. Although there is a policy at Punjab Police College Sihala that the top 10 graduates join the college as trainers and facilitators, this policy is not adhered to rigorously. The quality of training received by trainers must be improved as well.
- Curricula must be aligned with the competencies, vision, and goals of Police Order 2002. Key elements that contribute to a service-oriented police force, as detailed in this chapter, must be formally embedded into training courses as graded modules.

# Technology and Law Enforcement

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*Sohail Habib Tajik*

Unlike in Afghanistan, where opium (and its upgrade heroin) stokes an insurgency, militants in Pakistan rely on kidnapping for ransom as their primary source of income. Indeed, ransom settlements for foreigners in the country have been known to reach as high as US\$2.5 million.

A few high-profile examples illustrate the extent to which kidnapping has become a serious problem for the country. In May 2012, al-Qaeda leader Aiman al-Zawahiri confirmed the group's custody of 70-year-old U.S. citizen Dr. Warren Weinstein.<sup>1</sup> Investigations following the May 2, 2011 raid on the compound housing of Osama bin Laden revealed that kidnapped Iranian diplomat Hashmatullah Atharzadeh had been released by al-Qaeda in March 2010 in exchange for Iran's release of al-Qaeda top commander Saif al Adel, top ideologue Sulaiman abu Ghaith, and an elder wife of Osama bin Laden, along with their two children.<sup>2</sup> In July 2011, Pakistani Taliban (Tehrik e Taliban Pakistan) abducted a Swiss couple from the Loralai district of Balochistan.<sup>3</sup> In August 2011, militants abducted Shahbaz Taseer, the son of assassinated governor Salman Taseer, from Lahore<sup>4</sup> and the vice chancellor of Islamia College University from Peshawar.<sup>5</sup> In March 2012, the son-in-law of four-star general Tariq Majid was released after paying ransom.<sup>6</sup> Figure 1 provides further information on well-known kidnappings in Pakistan since 2007.

This is not an exhaustive list, as the number of locals kidnapped by militants and criminals runs into the thousands each year. As Figure 2 shows, in 2011, the number of kidnappings and abductions in Punjab totaled 15,114, including 215 kidnappings for ransom.<sup>7</sup> In Sindh that year, the total number was 2,573, of which 155 were cases of kidnapping for ransom.<sup>8</sup> According to reports, "Those kidnapped include diplomats, politicians, lawyers, doctors and university professors. Criminal gangs are thought to be behind most kidnappings, though Taliban militants may also be involved."<sup>9</sup>

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<sup>1</sup> See Richard Leiby, "Warren Weinstein, Maryland Man Kidnapped in Pakistan, Pleads for His Life in Video," *Washington Post*, May 7, 2012, accessed May 31, 2012, [http://www.washingtonpost.com/world/asia\\_pacific/warren-weinstein-maryland-man-kidnapped-in-pakistan-pleads-for-his-life-in-video/2012/05/07/gIQAEBbc8T\\_story.html](http://www.washingtonpost.com/world/asia_pacific/warren-weinstein-maryland-man-kidnapped-in-pakistan-pleads-for-his-life-in-video/2012/05/07/gIQAEBbc8T_story.html).

<sup>2</sup> For more information, see Brian Murphy, "Al-Qaida Papers Highlight Tense Dealings with Iran," *Boston Globe*, May 24, 2012, accessed May 31, 2012, [http://articles.boston.com/2012-05-04/news/31575234\\_1\\_al-qaida-bin-laden-relatives-atiyah-abd](http://articles.boston.com/2012-05-04/news/31575234_1_al-qaida-bin-laden-relatives-atiyah-abd).

<sup>3</sup> "Swiss Couple 'Escape' from Taliban Captivity," *Dawn*, March 16, 2012, accessed May 31, 2012, <http://dawn.com/2012/03/16/swiss-couple-escape-from-taliban-captivity/>.

<sup>4</sup> See Asad Kharal, "Shahbaz Taseer Abducted from Lahore," *Express Tribune (Pakistan)*, August 27, 2011, accessed May 31, 2012, <http://tribune.com.pk/story/239869/shahbaz-taseer-abducted-from-lahore/>.

<sup>5</sup> See "VC Islamia College Kidnapped by Waziristan Taliban Not Us: TTP," *Express Tribune*, November 9, 2010, <http://tribune.com.pk/story/74574/vc-islamia-college-kidnapped-by-waziristan-taliban-not-us-ttp/>.

<sup>6</sup> See Jam Sajjad Hussain, "Son-in-Law of Gen Tariq Wins Freedom for Rs 300m," *The Nation Pakistan*, March 16, 2012, accessed May 31, 2012, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/national/16-Mar-2012/son-in-law-of-gen-tariq-wins-freedom-for-rs-300m>.

<sup>7</sup> Police Headquarters Punjab, "Annual Administration Report 2011," accessed May 31, 2012, <http://punjabpolice.gov.pk/system/files/Annual%20Admin%20Report-2011.pdf>.

<sup>8</sup> Sindh Police, Crime Statistics, 2011, accessed May 31, 2012, [http://www.sindhpolice.gov.pk/announcements/Crime\\_statistics/crime\\_data\\_upto\\_october\\_2011\\_with\\_graph/Sindh/Crime%20data%20Sindh%20Providence%202011.htm](http://www.sindhpolice.gov.pk/announcements/Crime_statistics/crime_data_upto_october_2011_with_graph/Sindh/Crime%20data%20Sindh%20Providence%202011.htm).

<sup>9</sup> Azizullah Khan, "Massive Rise in Kidnappings in Pakistani Province," *BBC News*, October 14 2010, accessed May 31, 2012, <http://www.bbc.co.uk/news/world-south-asia-11539343>.

**Figure 1: High-Profile Kidnappings for Ransom in Pakistan, 2007–2012**

<b>August 2007</b>	Chinese nationals, Zhang Guo and Long Xiao, from Khall, Lower Dir, KPk
<b>November 2008</b>	Iranian diplomat Hashmatullah Atharzadeh, from Peshawar, KPk
<b>November 2008</b>	Khadija Abdul Qahar (Beverly Giesbrecht), from Bannu District, KPk
<b>February 2008</b>	Tariq Aziz ud Din, Pakistani ambassador to Afghanistan, from Khyber Agency, FATA
<b>September 2008</b>	Abdul Haq Ferahi, Afghan consular, from Peshawar, KPk
<b>September 2008</b>	Piotr Stanczak of Polish oil company Geofizyka Krakow, from Punjab
<b>February 2009</b>	U.S. citizen John Solecki, from Quetta, Balochistan
<b>September 2010</b>	Ajmal Khan, vice chancellor of Islamia College University, from Peshawar, Khyber Pakhtunkhwa (KPk)
<b>August 2010</b>	Amir Malik, son-in-law of General Tariq Majid, from Lahore, Punjab.
<b>August 2011</b>	Shahbaz Taseer, from Lahore, Punjab
<b>July 2011</b>	Swiss couple, Olivier David Och and Daniela Widmer, from Loralai, Balochistan
<b>August 2011</b>	U.S. citizen Dr. Warren Weinstein, from Lahore, Punjab
<b>January 2012</b>	British employee of the International Committee of the Red Cross, from Quetta, Balochistan
<b>January 2012</b>	German aid worker and Italian colleague, from Multan, Punjab
<b>January 2012</b>	Kenyan aid worker, Naushero Feroze, from Sindh
<b>February 2012</b>	Two Christian hospital workers, from Orangi, Karachi, Sindh

**Figure 2: Kidnappings in Punjab and Sindh, 2010–2011**

		<b>2010</b>	<b>2011</b>
<b>PUNJAB</b>	Kidnapping/Abduction	13497	15114
	Kidnapping for ransom	192	215
<b>SINDH</b>	Kidnapping/Abduction	2504	2573
	Kidnapping for ransom	154	155

Source: Sindh Police, Crime Statistics, 2011.

In addition to strengthening militant networks, kidnappings for ransom have a variety of other negative effects on Pakistani society. One investigator studying militant groups in Khyber Pakhtunkhwa lamented that industrialists and wealthy businessmen are leaving Peshawar and other urban centers for fear of their lives and that a number of them are transferring their assets out of Pakistan. This works to further shrink the job market in insurgency-hit provinces. Likewise, the closure of nonprofit organizations and aid agencies in vulnerable communities because of threats to their workers only exacerbates the vulnerability of society's weaker segments.

## Police Capacity and Equipment

The police in all four of Pakistan's provinces, as well as its separate legal entities of Gilgit-Baltistan and Azad Kashmir and the capital city of Islamabad, are striving to respond to the spiking trend of kidnappings and abductions. In Karachi, an anti-kidnapping project was initiated in 1990 within the Citizens-Police Liaison Committee (CPLC) to help contain this crime. The CPLC was instrumental in apprehending 100 groups of kidnapers, comprising more than 350 criminals, from 1990 to 2010 in Karachi.<sup>10</sup> While provincial police also have anti-kidnapping cells, these suffer from a lack of equipment, a capacity deficit, and coordination problems.

Unfortunately, police in Pakistan generally lack both the tangible and intangible resources to combat kidnapping for ransom and associated crimes. Most police department equipment is either nonexistent or outdated. Police lack state-of-the-art technology such as geo-locators, geo-fencing technology, call data record analysis, vehicle tracking systems, information technology forensics, and GPS tracking solutions. This is in spite of exponential growth within the country's telecommunications industry. Technology benefits the public, criminals, and terrorists while the police face major obstacles in acquiring and utilizing this same technology for crime containment and investigation purposes.

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**While provincial police have anti-kidnapping cells, these suffer from a lack of equipment, a capacity deficit, and coordination problems.**

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Helpful information certainly exists. An ordinary call detail record reveals data such as the phone number and location of the calling party; the phone number of the receiving party; the starting time and date of the call; call types (voice or SMS); most frequent callers; a route map of the subscriber, determined by plotting cell phone tower locations; an international mobile identity number, which identifies the cell phone; an international mobile subscriber identity, which shows the identity of the user; and easy load (prepaid card purchase) history.

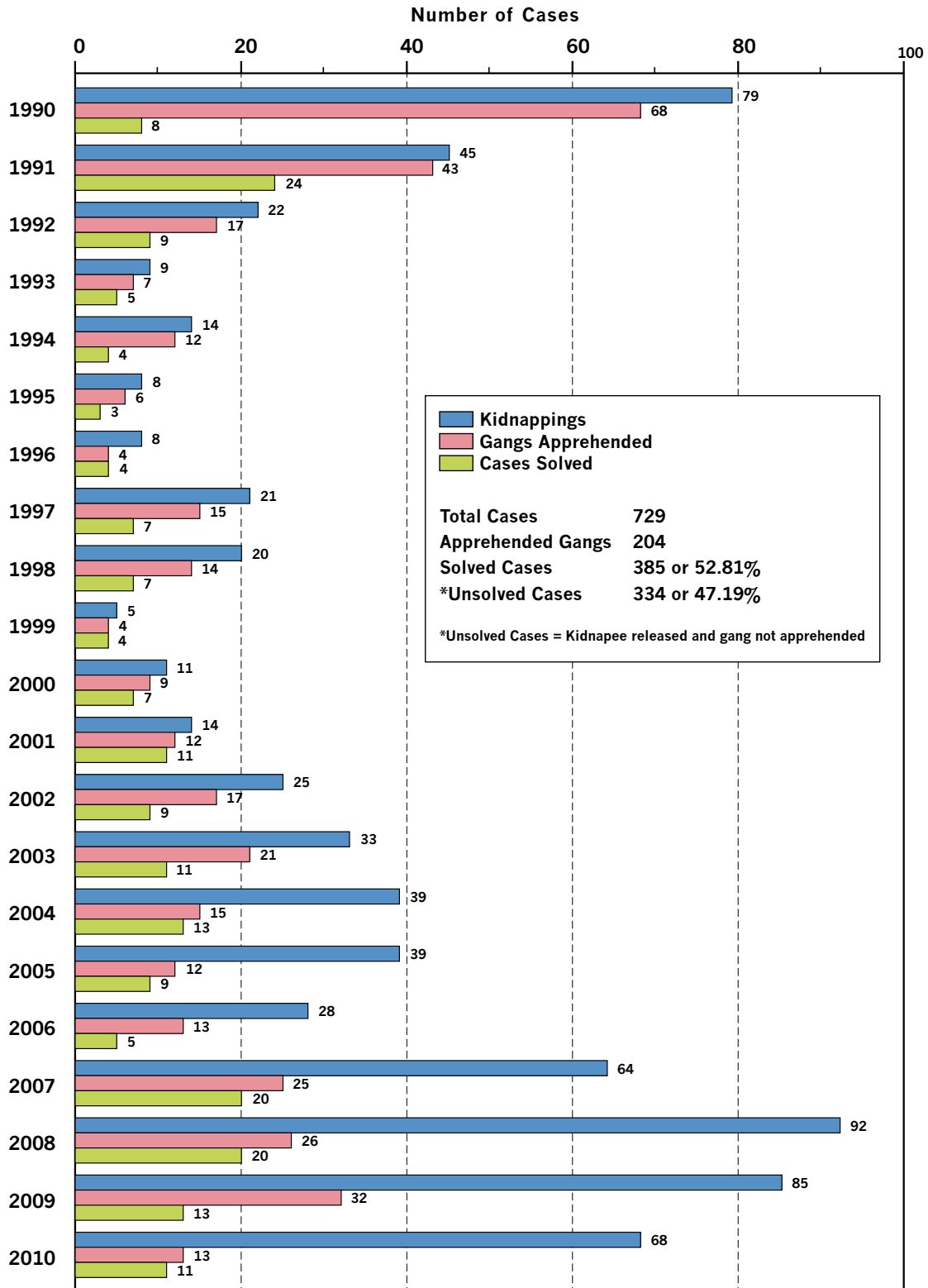
The police in Pakistan, however, lack the authority to access and acquire call records of criminals' cell phones directly from the five private cellular companies operating in Pakistan (Telenor, Warid, Uphone, Zong, and Mobilink). An indirect and complicated mechanism is in place requiring police to acquire call detail records through a request to the Intelligence Bureau. The Intelligence Bureau then has to send this request to the concerned cellular companies, which may take weeks or even months to make a decision. Thus, by the time call data are received by police, the criminals and terrorists have either reached their safe haven or the victim's relatives have paid the ransom.

Police also lack the right equipment to acquire real-time information about a suspect who is traveling with his prey toward a safe haven. Even if a cell phone is identified, departments do not have adequate technology to locate the criminal through the cell phone from which he is demanding the ransom. Even if cell phones used by criminals and terrorists are recovered, police lack the technology needed to retrieve deleted data from cell phones and unearth network communications. Finally, departments lack personnel with experience in information technology forensics. Thus, while computers belonging to militants and kidnapers are treasure troves of information, the lack of police capacity to study these electronic gadgets clearly hampers their usefulness.

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<sup>10</sup> Citizens-Police Liaison Committee (CPLC), "Anti Kidnapping," accessed May 31, 2012, <http://www.cplc.org.pk/content.php?page=13>.

**Figure 3: Cases of Kidnapping for Ransom: Solved and Groups Apprehended, January 1990–July 2010**



Source: Citizens-Police Liaison Committee (CPLC), 2007-09, <http://www.cplc.org.pk/content.php?page=13>.

## Recommendations

The following recommendations are put forth to improve police capacity to utilize technology to battle the kidnapping epidemic facing Pakistan:

- Legal and administrative reform must be pursued to ensure that police are provided with direct access to cell phone calling data of criminals and terrorists. Cellular companies must be compelled to provide police with real-time information on the movements of criminals and terrorists, as collected through the use of GPS technology.
- Wire-tap facilities should be made available to police.
- Emergency units should be established at each province's central police office to facilitate rapid coordination with private cellular companies. Moreover, centralized databases should be established to study trends and establish data banks on high-profile criminals and terrorists.
- The necessary legal changes must be made in the Pakistan Penal Code, the Criminal Procedure Code, the Evidence Act, and Anti-Terrorism Act 1997 to provide investigators with access to call data records and wire-tapping facilities and to make these admissible in the courts of law. Currently, private service providers store data for only three months. Necessary laws should be promulgated to enable private service providers to store data for a longer time (one to two years).
- Procurement of necessary technology, capacity building of police departments, and extensive legal changes are crucial to enable police to fight the surge in kidnapping for ransom and disrupt the networks for which the ransom acts as a lifeline.

# Creating a Secret Service and Reforming the Intelligence Bureau

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*Hassan Abbas*

**T**his chapter focuses on two reform ideas that can potentially enhance police capacity and improve the performance of the force: (1) establishing a separate organization to provide security to top state functionaries (VIPs), and (2) upgrading the role of the civilian Intelligence Bureau (IB). These proposals are based on an assessment of inadequacies in the law enforcement infrastructure in the country. Security arrangements for the state's top functionaries in Pakistan not only consume a significant portion of law enforcement budgets, but also interfere with the day-to-day responsibilities of the police force.<sup>1</sup> Similarly, poor intelligence support for law enforcement organizations in criminal and terrorism-related investigations undermines their productivity.

## **The Need for a Secret Service<sup>2</sup>**

A new organization based on the model of the U.S. Secret Service should be commissioned to manage the personal security needs of the president, prime minister, governors, chief ministers, chief justices of the Supreme Court and High Courts, and chiefs of the armed forces, in addition to former heads of government and other senior functionaries. A mere glance at Pakistan's history shows how assassinations and murders of some of the country's top leaders have influenced its course. These include the assassinations of Prime Minister Liaquat Ali Khan (1955), President Muhammad Zia-ul-Haq (1988), Prime Minister Benazir Bhutto (2007) and Governor Salman Taseer (2011). Many political leaders belonging to the Awami National Party (ANP), Muttihada Qaumi Movement, and Pakistan People's Party have been killed by terrorists in recent years despite heightened security measures.<sup>3</sup> Former President Pervez Musharraf, head of the ANP Asfandyar Wali, and former interior minister Aftab Khan Sherpao were lucky to have survived multiple assassination attempts that involved suicide bombers.

Though chief security officers are assigned with ensuring the safety of federal and provincial chief executives, they are dependent on law enforcement and intelligence agencies to implement the security plans and assess the nature of threats. During movement of VIPs, local police are asked to secure roads and cordon off designated areas, placing an extra burden on their time and resources.

The proposed Pakistan Secret Service would operate as a specialized unit, focusing only on security arrangements for VIPs. It would function independent of the Ministries of Interior and Defense, and its chief should be given a fixed tenure. Other important prerequisites include a specialized training academy

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<sup>1</sup> This information comes from interviews with 18 junior and middle-ranking police officers in Pakistan as a part of the research conducted for this report from July 2011 to February 2012.

<sup>2</sup> The section draws on the author's earlier work; see Hassan Abbas, "Security and Intelligence," *The News* (Pakistan), February 25, 2008, accessed June 29, 2012, [http://belfercenter.ksg.harvard.edu/publication/18089/security\\_and\\_intelligence.html?breadcrumb=%2F](http://belfercenter.ksg.harvard.edu/publication/18089/security_and_intelligence.html?breadcrumb=%2F).

<sup>3</sup> "Assassinations in Pakistan: Politicians under Attack," *Express Tribune*, January 5, 2011, accessed June 29, 2012, <http://tribune.com.pk/story/99378/assassinations-in-pakistan-politicians-under-attack/>.

and an in-house analytical and intelligence capacity to evaluate threat assessments. Security for visiting heads of state and diplomatic missions in Islamabad, in addition to security arrangements for important national events, could also be handed over to this institution once it established a solid footing. Any religious figures and other prominent people under threat from extremists could also be provided this facility if deemed appropriate by an independent committee tasked to decide such cases.

Besides eliminating coordination failure risks, such a dedicated organization would make available scarce resources and manpower to law enforcement for use in primary investigative and preventive policing tasks. Police in most cases are too overstretched to provide for the security of VIPs and foreign dignitaries. The highest functionaries of the state should be comfortable and confident that they and their families are safe and that they will continue to receive security cover even when they retire (in case of the judiciary) or leave office. Given the deteriorating law and order situation in the country and the continued threat of terrorism, such an institution has become a necessity of the times.

### Reforming the Intelligence Bureau

Pakistan's Intelligence Bureau, the country's oldest intelligence organization, is primarily responsible for domestic intelligence duties. It is the only civilian outfit of its kind in Pakistan, as other intelligence organizations, such as Inter-Services Intelligence (ISI), draw a significant number of members from the country's armed forces. Under democratic governments, a serving police officer or retired military officer is appointed as the director of the IB, but under military regimes, this role is most often given to a serving army officer. Intra-agency rivalries, a lack of resources, and political misuse of the agency over the last few decades have eroded the professional reputation that it once enjoyed. At a time when an intelligence-led policing model is critically needed in Pakistan, the IB is far from being ready to support law enforcement operations.<sup>4</sup> Since the 2008 democratic transition, some highly reputed and capable police officers (Shoaib Suddle, Javed Noor, and Aftab Sultan) have been appointed to lead the organization, a move that deserves appreciation, but insufficient resources and an entrenched lack of professionalism hindered any significant improvement of the institution.

The primary mission of any domestic intelligence service in a modern democratic state is to collect, analyze, and evaluate information relating to national security issues and then to pass on the intelligence product to the government. Producing a range of studies covering virtually any topic of interest to national security policy makers is another important task assigned to such agencies. Depending on their resources, they use electronic means as well as human sources and, if necessary, undertake covert actions at the direction of the chief executive. However, in democratic countries, intelligence agencies are also held accountable, their budgets are vetted by legislatures, and their top officials are regularly questioned—even publicly. This has very rarely been the case in Pakistan.

Under authoritarian regimes, intelligence agencies become inward looking, behave as if they are above the law, and operate ruthlessly, all in the service of the ruling elite rather than the state. This has happened in Pakistan during periods of military dictatorship. However, various intelligence reform efforts have been attempted in the past. In an interview with the author, one former ISI chief explained that “one recommendation was common [in all such reform proposals]: create a JIC [joint intelligence committee] to coordinate the work of all agencies,” but he lamented that “the problem lies with the political leader-

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<sup>4</sup> In this model, the interface with the civilian population is conducted to gain intelligence, which is used to head off criminal (and terrorism-related) events. This requires more undercover work than other policing models and requires establishing networks of informants.



ship who was afraid to create another power center.”<sup>5</sup> This statement highlights the fact that Pakistan’s disparate intelligence agencies seldom communicate with each other. Poor coordination and intelligence sharing also mar the overall intelligence assessments. Synergy between law enforcement and intelligence has assumed a critical role in an era when the nexus between crime and terror networks is increasingly important. Pakistan clearly lags in this arena.

Two major obstacles keep the IB from realizing its potential. The first relates to serious internal rivalries within the bureau. During military rule, officials from other intelligence agencies are often deputed in the IB, presumably to revamp the organization. However, these individuals join the IB with their seniority privileges and become permanent employees of the organization. Police officers are also routinely posted in senior positions within the IB. There also have been political appointees who joined the organization when politicians returned to power corridors and attempted to take back control of the intelligence services. As a civilian outfit, the IB is easiest to manipulate. Consequently, around 1,500 IB officials are currently embroiled in seniority disputes in the courts. The negative impact of these disputes on the functioning of the IB is not difficult to judge. The other major hindrance to the development of the organization is a dearth of technical expertise and tools needed for modern intelligence work.

Despite all odds, the IB has many successes to its credit in various counterterrorism operations in recent years. The fact that terrorists are increasingly targeting IB officials (especially in Khyber Pakhtunkhwa Province) is an indication that the IB has created serious problems for some terrorist groups.<sup>6</sup>

## Recommendations

- Establishing new institutions requires vision, exposure, and dedication. A combination of senior police and armed forces personnel with relevant experience should be tasked with building the Pakistan Secret Service.
- Ideally, the financial provision for the service should come from country’s defense budget, as the safety of Pakistan’s top leadership is as important as defending the borders.
- The Intelligence Bureau should be given the exclusive responsibility for domestic intelligence to help the law enforcement tackle the internal security challenges. The organization should not be involved in political manipulation and maneuvering.
- Both the National Assembly and Senate should constitute Intelligence Committees to monitor the performance of the intelligence agencies, including the IB.

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<sup>5</sup> Quoted in Hassan Abbas, “Reform of Pakistan’s Intelligence Services,” *The News* (Pakistan), March 15, 2008, accessed June 29, 2012, <http://csis.org/blog/reform-pakistan%E2%80%99s-intelligence-services>.

<sup>6</sup> See, for instance, “Intelligence Bureau Official Shot Dead in Swabi,” *Dawn*, October 2, 2011, accessed June 29, 2012, <http://dawn.com/2011/10/02/intelligence-bureau-official-shot-dead-in-swabi/>; “Gunmen Kill Intelligence Official in Peshawar,” *Dawn*, December 27, 2011, accessed June 29, 2012, <http://dawn.com/2011/12/27/gunmen-kill-intelligence-official-in-peshawar/>; and Tahir Siddiqui, “Two IB Men Trailing Al Qaeda Shot Dead,” *Dawn*, March 28, 2008, accessed June 29, 2012, <http://archives.dawn.com/2008/03/28/top3.htm>.

# Army–Police Cooperation

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*Brig. Shafqat Asghar*

**N**otwithstanding the magnitude of violence, the internal security challenge facing Pakistan today remains within the ambit of civilian law enforcement agencies. Thus far, the steep decline in internal security can be attributed more to the weakness of the civilian law enforcement apparatus than to an increasing effectiveness of violence as a psychological or ideological phenomenon. Rather than taking on the internal security challenge on its own, the police force has consistently exhibited an overreliance on the military. As a result, both the effectiveness and credibility of the police have gradually been eroded.

At the same time, responsibility for the police force's downward spiral also rests with the senior police leadership, which has failed to make significant efforts to transform the organization into an institution capable of keeping up with the changing internal security paradigm. It is imperative that the structure of civil law enforcement be revamped in order to allow appropriate institutions to assume the responsibilities that remain their *raison d'être*. Because of its organizational strength and experience in internal security, the Pakistan Army can play a role in helping the police force assume responsibility for internal security on its own. Accordingly, this chapter will discuss avenues for cooperation between the army and the police as a means of achieving police reform.

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**Rather than taking on the internal security challenge on its own, the police force has consistently exhibited an overreliance on the military.**

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## Understanding Violence in Pakistan

Despite the scale of violence with which the state is forced to deal and that the population absorbs, the problem in Pakistan has not yet grown into an organized insurgency, and thus remains within the realm of law enforcement.

Over the past decade, Pakistan has witnessed a blurring distinction between insurgency, terrorism, and organized crime. Each of these three threat groups communicates with the state and population through the medium of violence. The resulting chaos represents the nexus of terror and crime. The shared requirement of these threat groups to remain clandestine helps foster cooperation among them. The growing incidence of urban terrorism is a reflection of the waning effectiveness of the police force in uncovering these groups, which are consequently able to find better hiding places in cities than in tribal areas, where the military has been able to pursue them with a fair degree of success.

## Weaknesses of the Police System

In the years following the Afghan jihad, the lawlessness that characterized the Federally Administered

Tribal Areas (FATA) and the Swat region spread throughout the country and rose to a level that was beyond the capacity of weak law enforcement agencies to control. The correct decision to employ the military was taken against terrorist sanctuaries in FATA/Swat, which was largely effective in reclaiming those areas. At the same time, however, the success in FATA/Swat was marred by the unprecedented level of violence unleashed in urban centers, which law enforcement agencies were unprepared to counter. The effects of organized crime, some of which was politically motivated, further paralyzed law enforcement and seriously exposed the state's weakness in monopolizing the use of force. The government's response, which included the deployment of Rangers, intelligence agencies, and the army in aid of civil power, was merely a stopgap arrangement. This type of response can be neither relied on nor sustained indefinitely. It is imperative that the capacity of Pakistan's police force be enhanced so that it can effectively enforce and maintain law and order in the country, allowing other instruments of national power to focus on their primary mission.

Looking at the growth of the two instruments of national power—one responsible for dealing with external threats (the army) and the other entrusted with maintaining internal law and order (the police)—one can safely conclude that there is little to compare, as the army has grown considerably in relation to the police. The asymmetry between the two can be measured not only in terms of men and material, but also in qualitative terms: the army has grown into a well-organized and robust institution that can be relied on as a guarantor of national security, while the police force has fallen perilously short.

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**The police force has failed to transform its colonial structure to match the changing, modern internal security paradigm.**

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Although this asymmetrical growth is partially driven by the perpetual threat that Pakistan faces from India, inaction by the national leadership and the elite Civil Services of Pakistan cadre at the helm of the police force is also responsible for the force's stagnation. Rather than strengthening civilian law enforcement agencies in tandem with the military, the national

leadership has entrusted the army with the dual responsibility of internal and external security. The police, meanwhile, remain comfortable dealing with ordinary crimes while leaving the more significant challenges for the army to tackle. As a result, the police force has failed to transform its colonial structure to match the changing, modern internal security paradigm.

### **The Military's Internal Security Role**

In the last six decades, the Pakistan Army's extensive involvement in aiding civil power has become a limiting factor in its operational employment. Employment of the military in an internal security role can also be considered detrimental to the warrior ethos, military culture, and the training of the institution. It is precisely for this reason that most modern countries have discarded the notion of military in aid to civil power and, alternatively, have developed their law enforcement tools to manage internal security responsibilities.

At the same time, because of the Pakistan Army's extensive experience in dealing with internal security at the strategic level, its conceptual understanding of the internal security threat, and its inherent organizational strength and capacity, it is well placed to assist the police in assuming the lead role in law enforcement across the country. The Pakistan Army's assistance to the police in Khyber Pakhtunkhwa by raising and training an effective force in Swat is a case in point.

## Reorganization and Reform

An operational strategy for reform cannot be effective if it is not supported by a developmental strategy for the police force's organization and configuration. In this context, it is useful to study the army's own organization model, which can be emulated to ensure the adoption of a uniform pattern of change throughout the entire police force, independent of political manipulation. Specifically, the police force could reorganize in line with the arms and services structure of the army (i.e., categorized into fighting and supporting arms and services). In doing so, the police force would have all of the necessary branches to support the task of law enforcement, as the threat dictates. Apart from the main police force, the organization would also have intelligence, investigation, forensics, logistics, and training branches—which would include police training schools, staff colleges (for middle-tier and senior leaders), and the capacity for research and analysis within the fields of policing and law enforcement.

The reorganization and reform process has to be uniform with regard to conception and execution. In the long term, the police force must take on the challenge of reform on its own. In view of the current financial restrictions and because of the similarities in the basic operational roles that the uniformed institutions of a country share—and, above all, the invaluable experience that the army has gained with respect to internal security—the army should assist in the development of the police force in four areas: (1) enhancing conceptual clarity of the internal security threat, (2) developing junior leadership, (3) training, and (4) offering technical support.

### Enhancing Conceptual Clarity of the Internal Security Threat

The Pakistan Army has shouldered the internal security responsibility for the better part of the country's history. Consequently, its institutional ability has been sharpened to comprehend various strands and dimensions of the threat. The police force, on the other hand, has not been able to raise its conception of the threat paradigm beyond the level of ordinary crime. In this regard, the services of the army's counterterrorism experts should be provided to educate police officers on the dynamics of the internal security threat, especially at the strategic and operational levels. In addition, special vacancies can be allocated to senior police officers to attend National Defense University so that they can benefit from the discourse on national security.

### Junior Leadership Development

Superior leadership is the single most important aspect of the army that the police should emulate. Dedication, courage, the ability to lead by example, and the spirit of sacrifice are basic attributes of a junior leader in the army. These qualities, which are gradually instilled in an officer, were important to the successful counterterrorism operations in FATA/Swat. As a brigade commander during Operation Rah-e-Nijat in South Waziristan Agency, I can point to innumerable examples in which leadership at all levels made all the difference and helped achieve a military miracle.

Such an achievement for Pakistan could not be reached without sacrifice by the leadership at all ranks, from a three-star general down to the most junior soldier. The officer-to-soldier casualty ratio of 1:10 is the highest in the world, something that speaks for the quality of leadership in the army.<sup>1</sup> This is not intended to undermine the leadership of and sacrifices made by the police force during the past six decades in general and the last eight to ten years in particular. There are excellent police officers who exhibit leadership skills, but for the kind of threat that this institution is expected to counter, superior leadership will be the cornerstone of an effective police force.

The police force must begin an internal reform process by grooming junior leaders, who will eventually assume senior leadership roles. To do so, the services of the Pakistan Military Academy in Kakul and the Junior Leadership Academy in Shinkiari should be offered by the Pakistan Army for police officers and junior leaders. Similar facilities should be developed within the police academy to train their leadership to take on the necessary role.

### Training

The police force generally lacks the key components of physical fitness, weapons training and handling, explosives detection and handling, and the techniques of close-quarter battle. Until the police academy develops such facilities, the Pakistan Military Academy, Military College of Engineering, and Physical Training School should offer appropriate training to police officers and to those men in the lower ranks.

### Technical Support

The police force lacks adequate human and technical intelligence capabilities, which leads to an over-reliance on local intelligence sources. Incorrect reporting and information, extortion, and blackmailing to settle local feuds are a few of the common ills that prevail as a consequence. It is imperative that a dedicated intelligence mechanism be available in each district to provide correct and timely intelligence to the police force. The School of Military Intelligence could provide valuable assistance by training the intelligence operatives and trainers for the police force to establish a similar setup in the Police Academy. Cooperation between police intelligence and the counterintelligence wing of the Pakistan military could also go a long way in helping each other perform their respective missions in an improved manner.

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**The police force must begin an internal reform process by grooming junior leaders, who will eventually assume senior leadership roles.**

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Further, firms making up the military-industrial complex, such as Heavy Industries Taxila and Pakistan Ordnance Factories, can assist police in providing custom-built vehicles, equipment, and weapons such as armored personal carriers, riot control equipment, stun guns, and water cannons.

### Recommendations

The task will not be easy. If the first few key steps of depoliticizing the police; conceptualizing the long-term threat spectrum for which the force is to be configured; and conceiving the correct organizational structure, including providing the right support paraphernalia, are taken correctly, then the ensuing, long-term reforms can be made with relative ease. The Pakistan Army's invaluable support would provide the required impetus for the execution of this strategy. This remodeling would be a step in the right direction and a win-win situation for all stakeholders, including the army, as the burden of tackling both external and internal threats would be reduced. The following recommendations are made in this regard:

- Maintenance of internal security should be made the sole responsibility of the civilian law enforcement apparatus. As one of the most powerful instruments of national power, the army should be available on standby, but only for disaster relief and support. For an interim period, until police reform takes effect, the notion of the military in aid to civilian power may be used only to avoid any breakdown of law and order.

<sup>1</sup> For details, see Ikram Sehgal, "Avoiding a Quagmire?," *The News* (Pakistan), June 11, 2009, accessed June 5, 2012, <http://www.thenews.com.pk/Today-sPrintDetail.aspx?ID=182343&Cat=9&dt=6/9/2009>.

- In the context of police reform, the organizational model of the army’s various combat outfits should be studied for reference. A fully self-sustained and capable organization should be conceived that can counter the entire spectrum of internal security threats facing the country. The reorganized police force needs to have all of the necessary branches in support of the task of law enforcement. This includes intelligence, investigation, forensics, logistics, and training branches—including police training schools, staff colleges (for middle-tier and senior leaders), and the facilities for research and analysis in the fields of policing and law enforcement.
- The Pakistan Army should assist in the following ways:
  - Particularly at the strategic and operational levels, army counterterrorism experts should be provided to educate police officers on the dynamics of the internal security threats facing Pakistan.
  - The police must accord the highest priority to establishing their own centers of excellence where leadership training and grooming can commence basing on the specific organizational requirement. In the interim, the grooming of junior police leaders should commence at the Pakistan Military Academy in Kakul and the Junior Leadership Academy in Shinkiari. Special vacancies should be made available to senior police officers to attend National Defense University so that they can benefit from the discourse on national security.
  - As the police force expands to assume full responsibility over internal security, the vacuum in junior and middle-tier leadership should be filled by facilitating the lateral shifting of officers from the Pakistan Army at an enhanced scale. The experience of a majority of army officers in combating serious terrorists would give a much-needed boost to the effectiveness and credibility of the police force as the reform process takes off.
  - The School of Military Intelligence should provide training to the intelligence personnel of the police force. Additionally, deeper cooperation between police intelligence and the counterintelligence wing of the Pakistan military could go a long way in helping each other to perform their respective missions in an improved manner.
  - Firms such as Heavy Industries Taxila and the Pakistan Ordnance Factories can assist police by providing custom-built vehicles, equipment, and weapons.

# Policing and Women's Rights

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*Tahira Khan*

**W**omen in Pakistan are disproportionately exposed to injustice when seeking help from law enforcement agencies, particularly at local police stations, both rural and urban. The chapter will look at the role of Pakistani women as complainants/victims and at police as responders and handlers with respect to problematic situations (e.g., domestic violence, sexual harassment, rape, abduction, and murder related to family honor). As an institution, the police traditionally have been considered the most important law enforcement agent under the umbrella of the state. Thus, strengthening this institution is critical to creating a positive environment for women in Pakistan.

## Women in Pakistan

When Pakistan was formed in 1947, multiple ethnic backgrounds, a pronounced rural and urban divide, and sharp class contradictions produced a heterogeneous citizenry within the newly created state.

Each of the country's four provinces has its own language, culture, and social system. The chief commonality among Pakistanis is religion: approximately 95 percent of the population is Muslim.<sup>1</sup> This religious commonality, however, has failed to minimize the country's ethnic, social, and class divides. Divisions in society have constructed and sustained multiple identities and contradictory lifestyles for the people of Pakistan.

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**The majority of Pakistani women are economically dependent on their family men.**

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South Asian culture is patriarchal, patrilocal, and patrilineal—characteristics that Pakistan inherited at the time of its creation. In patriarchal cultures, women are attached to “family men” (fathers, husbands, and sons) who determine their identity and status. Despite a growing number of women in the workforce in both urban and rural contexts, the majority of Pakistani women are economically dependent on their family men. Although they enjoy constitutional equality, the majority of Pakistani women fail to assert their rights in the public and private spheres. While Pakistan has twice had a female prime minister, and 33 percent of the seats in Parliament are reserved for women, legislation protecting women's rights has remained the weakest area in Pakistan's parliamentary history.

A few token remedies have been offered by the government to address women's concerns. The government of Prime Minister Benazir Bhutto, for example, introduced the idea of women's police stations to facilitate women's access to law enforcement institutions. In 1994, Bhutto inaugurated seven such stations in

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<sup>1</sup> Pakistan Ministry of Information and Broadcasting, accessed May 31, 2012, <http://www.infopak.gov.pk/BasicFacts.aspx>.

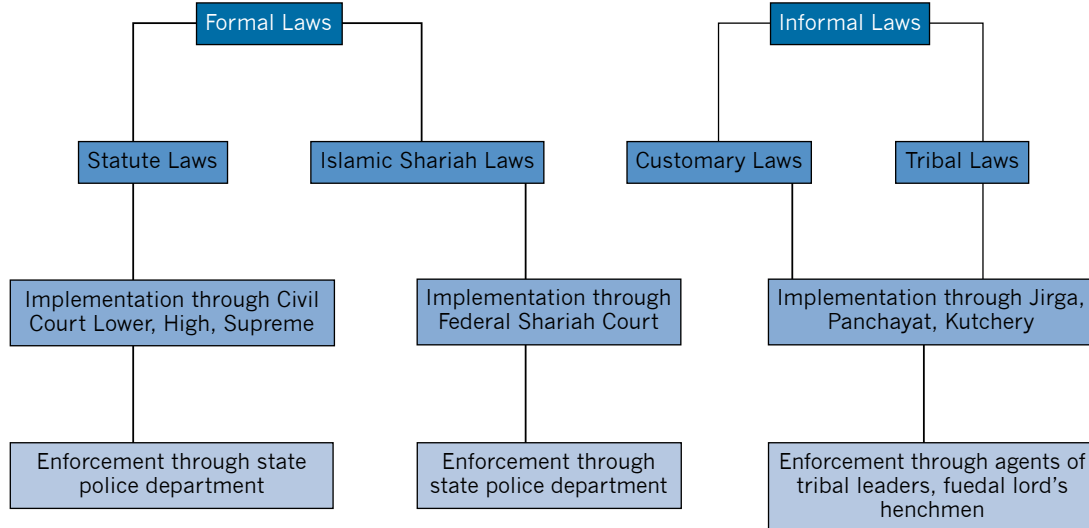
Rawalpindi, Abbottabad, Peshawar, Lahore, Multan, Karachi, and her hometown of Larkana. In 2001, the government of Pervez Musharraf imposed the Local Government Ordinance, increasing the quota of seats for women across all levels of local bodies from 10 percent to 33 percent.<sup>2</sup>

Such remedies have been unsuccessful at improving the general conditions for women in Pakistan, who remain caught in a variety of contradictions. They are not a homogeneous group, and thus their conditions and problems cannot be examined through the singular lens of gender. Rather, women live in contrasting contexts, whether geographic, social, cultural, or ethnic. Class divides cut across the boundaries of ethnicity and language in both rural and urban areas, resulting in social conditions that contribute to the construction of gender perceptions and predetermine the status and role of women. This, in turn, affects the relationship between women and the law enforcement system, as the class and residence (rural/urban) of a female complainant/victim are primary determinants of a police official's response.

### Legal Systems and Law Enforcement

Currently, three legal systems function simultaneously: statute laws, *shariah* laws, and customary/tribal laws. As a result, victims/complainants, whether men or women, find themselves dealing with various justice systems depending on their socioeconomic background and ethnic identity. This multiplicity of legal systems and law enforcement agencies puts women in an even more precarious position. Figure 1 depicts the nature and function of Pakistan's parallel legal systems. It is clear that such a setup has implications for complainant constraints and respondent behavior.

**Figure 1: Parallel Legal Systems in Pakistan: Nature and Mechanisms**



Source: Tahira Khan, *Beyond Honour: A Historical Materialist Explanation of Honour Related Violence* (Karachi: Oxford University Press, 2006), 229.

Since the emergence of a more independent electronic and print media in Pakistan, it has become easier to see how the nature of violence against women changes according to variations in residence context, class, age, and ethnicity. For example, honor killings, the abduction of women for revenge, child marriages, and

<sup>2</sup> National Commission on Status of Women, "Report on Hudood Ordinances," 2010, 24, 25, accessed May 31, 2012, <http://www.hrcp-web.org/showdocument.asp?id=12>.



forced/exchange marriages are all more prevalent in semirural and rural areas than in urban centers. On the other hand, domestic violence, sexual harassment, and custodial torture are present equally in rural and urban areas and across ethnic communities.

Because of the prevailing patriarchal and misogynistic culture in Pakistan, women are victims of violence in both the private (domestic abuse) and public spheres (abuse in state agencies, in the workplace, and in educational institutions). Likewise, women face a form of violence in their interactions with law enforcement agencies as complainants. This “structural violence” manifests itself in the form of insensitivity within the justice system toward female complainants, negligence in responding, delay in action, and outright refusal to recognize the occurrence of violence.

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### The behavior of the police toward women in Pakistan reflects the general attitude of Pakistani society as a whole.

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There is a need to analyze the situation faced by women in Pakistan within the larger context of the economic and social system. Despite more than three

decades of activism by women’s rights organizations, millions of dollars from Western donor agencies, and political parties’ pro-women election slogans, state and society in Pakistan have failed to prevent or curb violence against women. Although all state institutions are responsible for dispersing justice, the most important role is played by law enforcement agencies—in particular, the police. While an excellent justice system is vital to protect human rights in any society, the police is the state actor that disburses justice at the ground level, and therefore it is the most crucial actor in the interplay of justice between the public and the state.

### Police and Women

The behavior of the police toward women in Pakistan reflects the general attitude of Pakistani society as a whole, which is intent on denying the existence of violence and sending women back to their homes in the custody of a male guardian. If a woman seeks justice, she first has to register a case—through a First Information Report (FIR)—with the police. Even before doing so, she is immediately viewed as suspect, as it is generally believed that no decent woman would venture into a police station. If the case involves a family member, the police will brush it aside as a private matter to be resolved at home. Bribery, extortion, and coercion are all used to discourage or falsify registration.

Physical abuse is not recognized unless the injury is “bone deep.” If the injury is a simple bruise or minor laceration, it does not qualify as a crime under the Criminal Procedures Code, and the police are unable to act. The police can, however, apply to a magistrate for a declaration to proceed with prosecution on behalf of the victim. They can exert pressure on an abusive person to change his behavior by taking him to court for a “Binding Over to Be of Good Behaviour Order” from a magistrate. Thus, even within the present system, options for addressing violence against women exist.<sup>3</sup> The will and understanding to act, however, are missing.

### An Explanation

Why are police officials insensitive to female victims of violence and at times, the perpetrators of violence themselves? Police officials are the product of the same socioeconomic system in which the general popu-

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<sup>3</sup> Yasmin Zaidi, “Initiatives to End VAW in Pakistan,” in *Pakistan Scan: Say No to Gender-Based Violence* (Islamabad: United Nations Development Fund for Women, 2002), 53–54.

lation of Pakistan lives, where multiple identities exist in both rural and urban contexts. The majority of police officials come from semirural areas, which are traditional, conservative, and misogynistic. This may explain why the police repeatedly fail to prevent honor-related violence in Pakistan:

The police have been socialized in similar kind of families, schools, and community. They live in economically lower status conditions and due to their financial constraints they also have more material greed. They agree with the conservative socio-religious and legal perspective of women and tend to think of women as a commodity...they are also agents of a weak state system that has never established complete control or influence in many communities, especially rural ones. People living in semi-rural and rural communities do not have much trust in the formal courts and police departments.<sup>4</sup>

In understanding police apathy toward gender-based violence, the example of honor killings illustrates the more widespread problem of police tolerating, if not outright supporting, violence against women. Extensive research on this problem identifies covert support provided by police officials to perpetrators of honor-related violence (mostly family men). This is done by (1) showing reluctance to file charges if a relative of a victim files the FIR, (2) allowing the killers in honor-related murders to get away, (3) showing a noncommittal attitude in local disputes and cultural practices, (4) implicitly condemning the accused woman, and (5) explicitly sympathizing with the killer's family.

The interaction and alliances between the formal and informal legal systems and a complex socioeconomic structure have created a culture of gender insensitivity among police officials that exacerbates existing weaknesses in the system.

## Recommendations

Criminology experts and human rights activists have long focused on improving existing traditional policing or introducing "community policing." In the case of the latter, community-police cooperation has been emphasized as a means to control crimes and violence in society. Both traditional and community policing appear to have failed to provide better service to female complainants in Pakistan. Increasing crime rates in rural and urban areas, a high incidence of violence against women and children, and a worsening law and order situation all highlight the failure of past attempts at reform.

Many experts have advocated a drastic increase in recruitment of women police officials. The effectiveness of such a strategy is questionable, however, as a well-trained, gender-sensitized, and honest male police official would undoubtedly respond to female complainants more appropriately than an ill-trained, unsensitized, and dishonest female police official. Would it really make a difference to recruit more women police officials to join the existing patriarchal socioeconomic system and misogynistic system of justice? Women should be encouraged to join the police, but an increase in women officers may not necessarily be what is needed. What is needed are more woman-friendly laws and gender-sensitized law enforcement personnel, whether male or female.

Given that the main focus of this chapter is female victims as complainants of violence (in the context of wife battering, honor killings, acid throwing, harassment in the workplace, etc.), the following recommendations are put forward:

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<sup>4</sup> Tahira Khan, *Beyond Honour: A Historical Materialist Explanation of Honour Related Violence* (Karachi: Oxford University Press, 2006), 247.

- In cases of domestic abuse, strict laws should be formulated that clearly define “abuse,” “cruelty,” and “torture.” These definitions should be included in police manuals.
- Acts of violence against women should be detailed on posters and displayed at police stations. Reader-friendly pamphlets on violence and legal remedies should be available on premises as well.
- A female counselor or legal advisor should be made available in or around police stations for female complainants and abused women. The government of Pakistan is responsible for such services. Civil society organizations can play a role as a pressure group, but this change can be implemented through civil and executive order and does not require any legislation.
- The state should take responsibility for the provision of legal and financial support to female victims/complainants. Those women should have access to free legal aid, the immediate provision of services of a public prosecutor/attorney, and financial support to pursue their case in the courts if needed.
- State-run shelters should be established to provide protection for female victims whose lives are in danger, especially in cases of honor-related threats.
- Laws should be amended to eliminate the option of mitigation of punishment in honor-killing cases. (*sharia* laws have the option of settling the murder case in the form of *diyat* [blood money] or *qisas* [an eye for an eye]). Currently, law holds that if a murder was committed because of sudden provocation or in a “fit of anger,” the punishment is mitigated. Local laws (customary codes) conveniently acquit or mitigate punishment of the murderer of a “family woman” in the name of honor.
- Female complainants should be encouraged to speak out about mistreatment or negligence by police officials. Human rights organizations and the media, in particular, should make efforts to encourage women to report such cases. To provide additional information in this area, the social studies curricula of public and private schools should include basic information on police departments (organizational structure, responsibilities, and mode of operation).
- The judiciary and the law enforcement system should take strict action to penalize the police and other members of law enforcement agencies for any instance of mistreatment or negligence of female complainants. The punishment meted out to insensitive police officials should be publicized, as this would serve as a deterrent to other police officials.
- The media should publicize positive and efficient responses of the police in crisis situations faced by female complainants. This information would help restore public confidence in the police.
- Police should be trained to serve, not simply to enforce. Training academies should make sure that training literature emphasizes serving and helping people, not just imposing or enforcing laws.
- A continuous education and training program should be established to ensure that police are made aware of the vulnerability of women in their families, communities, and neighborhoods. Such awareness would help the police to respond more efficiently to women’s needs.
- Gender sensitization training throughout the career of every police official should be mandatory.
- Sexist language and gendered terminology in police texts and training material should be scrutinized and resolved by academic gender analysts. Laws and rules included in police training programs regarding victims, complainants, or criminals should be analyzed from a gender perspective. Policy makers

should solicit help from gender analysts and human rights activists to review existing police laws and training materials.

- Rather than establishing women's police stations, the state should create special wings for women within existing stations, and in stations without women's wings, there should at least be women's cells.

# Police Image and the Media in Pakistan

*Zamir Haider*

Media coverage of police corruption and nepotism and the failure of the police to tackle Pakistan's high levels of crime have worked to erode the force's credibility. Although there has been some coverage of successful police operations against crime, because the number of accomplishments is negligible, the coverage has failed to improve the image of the police. Moreover, the government has initiated various efforts at police reform in the last decade, but these efforts have not received significant coverage in the media, and so the public knows little about them. For instance, while Police Order 2002 was considered a major milestone in policy circles, media coverage of the initiative was scant at best.

In Pakistan, the public's impression of the police is largely based on two factors: media portrayals and personal interactions with citizens. Television programming offers glimpses of police high-handedness and mistreatment of innocent people as a matter of routine. The public, which already views the police as brutal as a result of their negative personal experiences, becomes even further disenchanted upon watching programs that reinforce their feelings.

In the last decade, Pakistan has witnessed the emergence of several private television channels, hundreds of public and private radio stations, and a variety of electronic media. The influx of social media tools such as YouTube, Facebook, and blogs has made it easy for the public to record, view, and comment on police excesses. Mobile phones that capture pictures and video have helped expose improper police practices such as bribery, mistreatment of citizens, and instances in which the police arrive at the crime scene too late. Often, these clips are sent to media outlets as well, which rarely pass up the opportunity to further publicize the stories.

Many leading news channels in Pakistan feature exclusive weekly programs on crime, including FIR (Geo TV), SP Musa (Dunya TV), Target and Qaidi No (AAJ TV), and Crime Scene and Crime Week (Samaa TV). Many of these programs feature crime reenactments, highlighting both the crimes and their handling by police. Apart from generating public awareness of the rights of citizens, these shows have also helped improve the image of police in Pakistan to some extent. Indeed, the media can act as an effective liaison between the public and the police.<sup>1</sup> Acknowledging this reality, the police in Pakistan are currently planning to launch their own FM radio station.<sup>2</sup> This is considered a modest effort to improve the image of the police, but,

if successful, it would greatly help the force communicate directly with the public.

Some forms of media coverage can highlight police shortcomings and underscore areas that are in need of improvement. Often this helps lead to reform, while also improving the image of the police. A famous series from the 1980s titled *Andehra-Ujaala* (Darkness and Light), which aired on Pakistan Television, is a prime example of how this is possible. The series centered on an upstanding police officer who was trying to do his job honestly while effectively earning public gratitude and respect, but who suffered from a corrupt and incompetent junior staff.

Because of rampant poverty, high inflation, and gas and power outages, public insecurity in Pakistan is on the rise. The police are expected to handle national crime while simultaneously dealing with public protests, which themselves present dangers to the image of the police. All the while, the media is often more interested in pleasing the public than covering the reality of what actually ails the police: limited resources and poor training. There are important ways in which the media and police can work together to better relations with the public. While media outlets should work to expose human rights violations and police excesses, they also should work to raise awareness of the need for police reform and actively support the positive work that is being done.

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<sup>1</sup> For more information, see Government of Pakistan, Law, Justice and Human Rights Division, Access to Justice Program Management Unit, "Police Reforms in Pakistan: Opportunities for Citizens—A Training Module," accessed June 20, 2012, [http://www.crcp.org.pk/PDF%20Files/TrainingModule\\_PoliceReforms.pdf](http://www.crcp.org.pk/PDF%20Files/TrainingModule_PoliceReforms.pdf).

<sup>2</sup> *Newstrack India*, "Pakistan Police to Launch FM Radio," June 11, 2012, accessed June 20, 2012, <http://www.newstrackindia.com/newsdetails/2012/06/11/8--Pakistan-police-to-launch-FM-radio-.html>.

# The National Highways and Motorway Police

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*Muhammad Tahir*

In 1997, Pakistan achieved a landmark in transport infrastructure development with the inauguration of a modern motorway that extended from Lahore to Islamabad. While creating a comfortable, quick, and secure system of transportation, the project's visionaries were mindful of the problems facing the country's policing system. The result was the creation of the National Highways and Motorway Police (NH&MP), which today oversee more than 3,000 kilometers of motorways and highways. This chapter will present a short overview of the factors behind the organization's success.

The NH&MP mission statement pledges the following: "Service above self to ensure safety and provide help to road users in distress. In this endeavor, it is indeed our commitment to extend due respect to all road users, be fair and uphold ethical practices at all times."<sup>1</sup> This ethos reflects a fundamental shift from the dominant policing culture and paradigm in Pakistan, which represents the antithesis of these values. The NH&MP appears to have succeeded in viewing itself through the "structural," "human resource," "political," and "symbolic" frames of organization, as described in research on organizational management.<sup>2</sup> Organizational failures are dealt with in an efficient manner rather than being oversimplified and attributed to people (individual error), bureaucracy (rules and red tape), or the thirst for power (political games and turf wars, undue competition, etc.).

Several other key features of the NH&MP set it apart from the ordinary police throughout the country. First, it has freed itself from traditional elements such as the police station, First Information Report, and the standard police uniform.<sup>3</sup> Second, the organization has adopted a flexible legal and operational framework based on a system of standard operating procedures that draw on the 2000 National Highway Safety Ordinance and other police covenants and practices. Third, internal decisions are based on scientific analysis. Data pertaining to accidents, crimes, and other factors are collected, classified, and analyzed, and meaningful conclusions are drawn from this analysis. The standard operating procedures and systems that emerge from this process reduce the level of discretion involved in decision making, resulting in a more standard, uniform delivery of service.

Finally, the organization can be seen to have embraced the concept of "catalytic leadership," which entails not only adopting analytical skills and interpersonal competencies, but also embracing a common set of attitudes, traits, and habits that "aim[s] at service rather than dominance, stimulate[s] strategic thinking, and facilitate[s] collective action among diverse individuals and organizations."<sup>4</sup> This perspective has

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<sup>1</sup> See the National Highways and Motorway Police website at <http://www.nhmp.gov.pk/>.

<sup>2</sup> Lee G. Bolman and Terrence E. Deal, *Reframing Organizations: Artistry, Choice and Leadership*, 3rd ed. (San Francisco: Jossey-Bass, 1997).

<sup>3</sup> The pioneers of the organization gave a different uniform to the officers in a conscious effort to project a different image from that of the existing police paraphernalia. The current police wear a black shirt and khaki trousers, while the NH&MP officers wear a grey uniform that is provided by the department to all officers.

<sup>4</sup> Jeffrey S. Luke, *Catalytic Leadership: Strategies for an Interconnected World* (San Francisco: Jossey-Bass, 1998), 236.

produced improved behavior toward the public, teamwork, and proactive policing that is geared toward achievement of objectives in a nonintimidating environment.<sup>5</sup>

### A Service-Oriented and Public-Friendly Policy

The NH&MP abides by the modern leadership concept of “systems thinking,” in which the facets affecting the organization internally and externally are considered to be mutually reinforcing parts of an organic whole.<sup>6</sup> This leads to a culture of integrative thinking and an orientation toward ethics and the human spirit. As a result of this human-centered culture, the NH&MP actively participates in community development activities for numerous causes, including anti-polio, anti-tobacco, anti-pollution, and blood donation. During the 2005 earthquake, the 2008 internally displaced people crisis, the 2010 floods, and other national emergencies, the organization performed policing functions, assisted people, established medical camps, and donated generously. Political and public support propels the organization, and the NH&MP has managed to develop such a strong reputation for honesty and fair play that it has become difficult for politicians, bureaucrats, and other pressure groups to abuse the force by, for instance, seeking irregular recruitment or other favors. As a result of its approach to leadership, the NH&MP has now developed the goodwill whereby it can garner support from the broader public rather than bureaucrats or politicians.

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**The NH&MP actively engages the media, using it to inform and educate the masses and to create a better image for the organization.**

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Unlike other law enforcement agencies in Pakistan, the NH&MP actively engages the media, using it to inform and educate the masses and to create a better image for the organization. Besides print and electronic media, the organization uses its website, public notice boards, seminars, and printed handouts and newsletters to project its activities and maintain transparency.

Recognizing the importance of gender in law enforcement, the NH&MP has responded positively to the contemporary imperative of gender-sensitive policing. It adheres to the 10 percent quota requirement set by the federal government for female hiring and makes efforts to go beyond this benchmark. As of April 2012, the NH&MP had 127 women officers, which is roughly 4 percent of its total force.<sup>7</sup> The relatively higher number of women officers in the NH&MP helps it project an image of “soft policing.”<sup>8</sup>

### Internal Organization

The NH&MP focuses on its chartered duties and avoids operations that are regarded as the primary domain of other departments. It also does not handle residual administrative functions and services that fall outside the realm of normal police responsibility, which to a large extent has become the case for district police throughout Pakistan. In doing so, the organization checks corruption, maintains a focus

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<sup>5</sup> The organization runs an active helpline service and provides first aid to people in need. There is a culture of offering water to commuters. The organization runs its own ambulance service for quick evacuation to hospitals in case of emergency. There are (contracted) mobile workshops to help broken-down vehicles, recovery services (Frontier Works Organization) to help carry vehicles to the nearest toll plaza free of cost, and telephone booths installed on parts of the motorway to solicit help from the NH&MP. Road safety awareness, education, and help is provided through deploying officers at the toll plazas, through guidance centers built at important locations, and through mobile education units that visit schools, bus terminals, and professional institutions to provide information and make presentations pertaining to road safety with support from field officers.

<sup>6</sup> Peter M. Senge, *The Fifth Discipline: The Art and Practice of the Learning Organization* (New York: Doubleday, 1994).

<sup>7</sup> Although this percentage is small, it is double the ratio of female police officers in the Capital City Police Peshawar, for instance, which maintains a group of 130 women out of a force of around 8,000.



on its own efforts, reduces interorganizational friction, and avoids the potential stress of dealing with multifarious issues that it is not trained to handle.

## Corruption

Although the police service is perceived to be one of the most corrupt bodies in Pakistan, the NH&MP has emerged as one of the few noncorrupt public sector organizations in South Asia.<sup>8</sup> This is a result of its distinct culture, human resource strategy, accountability, freedom from external interference, availability of resources, and positive reinforcement by its stakeholders. In terms of resources, NH&MP officers enjoy a better overall salary and benefits package than other police personnel,<sup>9</sup> the organization has relatively better quality and quantity of equipment, and there is timely replacement of equipment and technology upon completion of their lifetime. This self-sufficiency of the organization reduces external interference. Freedom from political interference exists because the organization reports to the Ministry of Communications under the federal government; this contrasts with the district police, which operate under the auspices of the provincial political setup, which is far more integrated at the grassroots level. The NH&MP enjoys considerable political support as a flagship organization for progressive policing in the country, which can be attributed to its performance and superior human resources.

## Human Resource Management

The NH&MP has successfully adopted a definitive human resource strategy. Officers joining the department on deputation from other organizations get a one-step promotion and a special allowance each month. Moreover, the organization is remarkably diverse, as it is staffed through indigenous hiring and hiring from the district police, the armed forces, and other civil sources. The NH&MP ensures merit-based recruitment and postings, provides health care and medical facilities for officers, provides free bachelor accommodations, and adheres to the policy of posting near an officer's home. The minimum education standard for new recruits is 12 years of schooling, but as of April 2012, more than half of the officers of the NH&MP had at least a bachelor's or a master's degree. The positive image of the organization and the credibility of the recruitment process have helped attract the country's best talent.<sup>10</sup>

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**The NH&MP has emerged as one of the few noncorrupt public sector organizations in South Asia.**

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Furthermore, the NH&MP rewards the good work of its employees through a double-stacked system. One system of rewards, operated through the field supervisors, gives out an annual reward, sanctioned by the inspector general, to selected officers that is bestowed by the prime minister at a special ceremony. These rewards consider objective performance indicators and are awarded transparently, with a grievance redress mechanism for officers who feel that they should have been considered for a reward. The organization also seeks to achieve a just system of accountability. Performance evaluation is conducted in an objective manner, and good behavior with the public is highly valued, as complaints are solicited.<sup>11</sup> Although the organization cherishes the traditional policing tenets of close camaraderie and

<sup>8</sup> For details, see "NH&MP Among World's 13 Corruption-Free Departments," *The Nation*, March 20, 2011, accessed June 14, 2012, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/national/20-Mar-2012/nh-mp-among-world-s-13-corruption-free-departments>.

<sup>9</sup> The difference has been narrowed down and, in some cases, even surpassed as new allowances and salary raises have been given to other police departments because of their counterterrorism activities and risks.

<sup>10</sup> In 2009, the department received around 28,000 applications in response to an advertisement for recruitment in the NH&MP for 250 seats. The educational qualification of many of the candidates exceeded the benchmark of 12 years of schooling, and competition during the selection process was fierce.

<sup>11</sup> The parameters of performance such as help rendered, tickets issued, and so on, are plotted on a temporal line against the officer. The highest-performing officers are rewarded, but care is taken to ensure that the same officer does not get nominated again in a three-year period.

teamwork, it does not allow this to detract from the goal of maintaining strict accountability of those who violate the mission, laws, and practices of the organization.

The NH&MP also offers a smaller span of control to supervisory officers compared to the district police, which facilitates accountability, control, rapport, and supervision. In the field, a superintendent of police supervises around 250 officers, while an assistant or deputy superintendent oversees around 50. The organization is staffed along a normal curve, whereby the upper subordinates dominate numerically and there are fewer support staff (lower subordinates), as officers perform menial duties themselves (see Table 1). Additionally, in order to ensure a better quality of living, the NH&MP meticulously implements a proper shift system that provides four days of rest each month to every field officer.

The NH&MP earns the respect of the masses through its politeness, honesty, and equal implementation of the law. Reciprocally, the support and recognition of the government and the public provides the organization with the incentive to pursue its endeavors with vigor and zeal. Hence, if these best practices are undertaken in other law enforcement agencies in Pakistan, there is a high likelihood that these organizations will have a similar outcome.

**Table 1: Distribution of Officers (Capital City Police Peshawar and NH&MP)<sup>12</sup>**

Particulars	Peshawar Police (percent)	NH&MP (percent)
Officers (Inspector General of Police, Deputy Inspector General of Police, Superintendents of Police, Assistant and Deputy Superintendents of Police)	00.73	02.06
Upper Subordinates (Inspector, Sub-Inspector, Assistant Sub-Inspector)	09.15	59.36
Lower Subordinates (Head Constable, Constable)	90.12	38.58
Total	100.00	100.00

## Recommendations

The preceding study of the NH&MP model leads to the following recommendations for other police organizations in Pakistan:

- A concerted effort at cultural transformation is needed for the police system in Pakistan. The NH&MP behaves well, and the Pakistani people are appreciative of this and therefore reciprocate. This change in attitude has been achieved through a clear vision and better training and workplace ecology. The NH&MP emphasizes education and service rather than apprehension and retribution. The result is a congenial, responsive, and service-oriented organization that wins the people's trust.
- A superior human resource strategy will help achieve cultural transformation; it can create a more capable, committed, responsible, and professional police force. Merit-based recruitment, regular training, fair and objective performance evaluation, and pervasive accountability are helpful in improving the quality of human resources.

<sup>12</sup> Data for the NH&MP were provided by the Office of Assistant Inspector General of Police (Establishment), NH&MP Headquarters, Islamabad, while data pertaining to the Peshawar police come from the Establishment Section, Peshawar Police Lines, Peshawar, Pakistan.

- Capacity building by way of adequate provision of resources is critical for any organization. Sir Robert Peel, the former British home secretary, said that the quality of policing was directly proportional to the financial aspects of policing and that it would be difficult to get a good police force without paying for it. Although resources might not be the primary motivating factor, increased salaries and the provision of personal gear, equipment, and utilities (fuel, etc.) contribute to achieving and maintaining high policing standards, in addition to reducing corruption.
- District police need to develop a better focus. This could be accomplished through a higher degree of functional specialization. It could also be achieved by assigning duties such as VIP security to new departments formed on the model of the U.S. Secret Service.<sup>13</sup> Such efforts could decrease the burden of work on the police and improve its focus on its primary functions.
- The administrative and operational independence of the NH&MP helps the organization observe merit and function in accordance with its rationale and vision. The district police force could start by reforming its legal covenants. The proper implementation of Police Order 2002 would be a step in this direction. This could limit unnecessary discretion, ensure a standardized and uniform delivery of service, and check interference in police working.

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<sup>13</sup> Hassan Abbas, "Police and Law Enforcement Reform in Pakistan: Crucial for Counterinsurgency and Counterterrorism Success," Institute for Social Policy and Understanding, April 2009, accessed June 14, 2012, <http://ispu.org/GetReports/35/1890/Publications.aspx>.

# The Federal Investigation Agency

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*Iftikhar Ahmed*

**D**uring World War II, allegations of corruption surfaced in the Supplies and Procurement Department of the Indian government. To investigate the complaints and monitor their recurrence, in 1942, the British government created an independent body called the Special Police Establishment. After partition in 1947, this body was renamed the Pakistan Special Police Establishment and continued as such until 1974. The core function of the organization was to investigate bribery and corruption cases against central government employees—offenses charged under the Official Secrets Act of 1923, the Foreign Exchange Regulations Act of 1947, the Passport (Offences) Act of 1952, and the Customs Act of 1958.

## The Role of the Federal Investigation Agency

Amid growing demands in the areas of smuggling, currency offenses, immigration and passports, and offenses with transprovincial and national ramifications, in January 1975, the government of Pakistan established the Federal Investigation Agency (FIA). The preamble of FIA Act 1974 spells out the Agency's strategic role in leading the "investigation of certain offences committed in connection with matters concerning the federal government and for matters connected therewith."<sup>1</sup> To enable members of the agency to conduct such investigations, the Act placed under the FIA's jurisdiction 72 sections of the Pakistan Penal Code, ranging from simple assault to murder, sedition, and corruption. Similarly, the federal government placed 28 special laws in the FIA Schedule. These laws deal with corruption, banking regulations, immigration and passport controls, arms and explosives, customs, foreign exchange regulations, drugs, antiterrorism, copyright law, and the prevention and control of human trafficking.

The FIA's jurisdiction extends across Pakistan, with the exception of the Federally Administered Tribal Areas, and its structure is designed to cater to all areas and territories. The Agency is headquartered in Islamabad, where the director general (DG) sits with three additional directors general who assist him in matters relating to anticorruption, economic crimes, immigration and human trafficking, terrorism investigation, cybercrime, intellectual property rights, money laundering, drugs, and other areas. There are five regional directorates (one at each provincial headquarters and one in Islamabad), from which a director commands all of the FIA's functional units with the help of deputy directors.

A unique feature of the Agency is that its officers and personnel are unarmed. While there is a forceful argument for converting it into an armed agency, for now, it retains its unarmed police character, which, it can be argued, is more an asset than a liability. FIA officers perform their functions in plain clothes (with the exception of immigration staff, who are uniformed).

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<sup>1</sup> Federal Investigation Agency Act, 1974 (VIII of 1975), Federal Investigation Agency, accessed May 21, 2012, [http://www.fia.gov.pk/abt\\_background.htm](http://www.fia.gov.pk/abt_background.htm).

Another highly visible and important responsibility of the FIA is to oversee immigration functions at each of the 26 notified entry/exit points of the country, including 14 airports, eight land routes, and four seaports. Throughout these points, which have an annual traffic of more than eight million passengers, the FIA is responsible for preventing smuggling and human trafficking. Major programs that enhance the FIA's ability to improve immigration controls and to monitor human trafficking include the following:

- The Personal Identification Secure Comparison and Evaluation System (PISCES), which has been in place since 2002. As of May 2012, this system was being replaced by an improved homegrown mechanism called the Integrated Border Management System.<sup>2</sup> PISCES maintains a database of all international travelers entering or leaving Pakistan.
- Machine-readable passport evaluation.
- The Prevention and Control of Human Trafficking Ordinance, a comprehensive law implemented in 2002 that covers all forms of human trafficking.<sup>3</sup>
- 17 Anti-Human Trafficking Circles, 14 of which are functional and serve as police stations to monitor human trafficking throughout the country.
- The Interagency Task Force, which works to control human trafficking at international borders.

Since 2003—in the wake of the terrorist attacks of September 11, 2011, the war in Afghanistan, and the rise of terrorist acts in Pakistan—the FIA has also been assigned to investigate terrorism cases. For this purpose, a Special Investigation Group of 50 trained police officers was created, which is now called the Counter Terrorism Wing and has manpower of some 100 officers. The unit has investigated some of the country's most high-profile cases, such as the 2008 Mumbai terror attack and the 2007 assassination of former Prime Minister Benazir Bhutto. The Counter Terrorism Wing is now in the process of developing institutional linkages with provincial Criminal Investigation Departments to improve their capability and outreach.

The FIA also plays the lead role in dealing with cybercrime and intellectual property rights. As these are relatively new tasks for the FIA, its capability to handle these issues remains limited. The National Response Centre for Cyber Crimes was established within the FIA, with two police stations at Lahore and Karachi and three notified forensic laboratories at Karachi, Lahore, and Islamabad.<sup>4</sup> The FIA's technical wing provides expert evidence in cases in which documents are contested or fingerprint or chemical analysis is required.<sup>5</sup> The FIA also oversees all interaction with Interpol on matters pertaining to transnational crimes, the execution of warrants issued by the Interpol system, extradition, and other areas.

## Agency Effectiveness

A professional organization such as the FIA, which oversees multifarious, important, and sensitive duties, is essential to the functioning of any state's criminal justice system. Its effectiveness, however, depends on its professionalism and political neutrality. There are a number of angles from which to judge the effectiveness of the Agency—the most important of which is its role in controlling corruption and bribery within federal government departments.

<sup>2</sup> See Saba Imtiaz, "Pakistan to Replace 'Insecure' U.S. Border Watch Software," *Express Tribune* (Pakistan), June 8, 2011, accessed May 21, 2012, <http://tribune.com.pk/story/184568/pakistan-to-replace-insecure-us-border-watch-software/>.

<sup>3</sup> See Federal Investigation Agency, "Pakistan National Action Plan for Combating Human Trafficking," accessed May 21, 2012, <http://www.fia.gov.pk/HUMAN.htm>.

<sup>4</sup> See National Response Centre for Cyber Crimes, accessed May 21, 2012, <http://www.nr3c.gov.pk/index.html>.

<sup>5</sup> See Technical Branch, Federal Investigation Agency, accessed May 21, 2012, [http://www.fia.gov.pk/dep\\_technical.htm](http://www.fia.gov.pk/dep_technical.htm).

During its initial years, the Agency fared reasonably well. Later, however—particularly during the 1990s—it allowed itself to be used by the ruling political leadership to target political opponents. During this period, the volume and extent of corruption and financial mismanagement in public sector corporations surpassed all previous records. As a result, public perceptions of the FIA as the lead agency dealing with corruption in federal departments reached their lowest levels. After the 1997 elections, the government of Prime Minister Nawaz Sharif established its own mechanism to deal with large-scale corruption—the Ehtesab Bureau—which was headed by a political appointee. This was the first significant structural blow to the FIA, as it had been the institutional mechanism meant to deal with corruption. Ironically, because the Ehtesab Bureau did not have its own trained investigators, it relied heavily on FIA personnel, inflicting further damage on the Agency’s name for being party to a politically motivated persecution allegedly in the name of accountability.

The FIA was marginalized again in 1999 when the army overthrew the government in a coup. The army did not have confidence in the FIA and therefore established its own accountability mechanism, the National Accountability Bureau (NAB), headed by army officers. Once again, in the initial years, most investigations were conducted by FIA officers. Then, in September 2004, the Anti-Corruption and Economic Crime wings of the FIA were transferred

to the NAB, and the relevant sections of laws pertaining to corruption were taken out of the FIA’s jurisdiction. With the restoration of the democratic process in 2008, those functions were returned to the FIA, along with 753 personnel who had been transferred to the NAB as a result of the 2004 decision. During this four-year period, the FIA was completely divested of its primary and basic role as an anticorruption agency.

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**A professional organization such as the FIA, which oversees multifarious, important, and sensitive duties, is essential to the functioning of any state’s criminal justice system.**

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Why was all of this done? It is clear that the political opposition, the media, and the general public felt that the accountability mechanism of the FIA was neither fair and transparent nor politically neutral enough to deal with the corruption of those in power. Both the 1997 and 1999 models vested all lawful authority in the hands of the Ehtesab Bureau and the NAB, respectively, rather than in the Ministry of Interior. The intention was to make the new organizations and their senior leadership independent of the bureaucratic controls of the Ministry of Interior. Neither arrangement was sustainable over the long term, as both were politically motivated and used by the government in power for political expediency. Although the NAB survives, it is struggling to strike a balance between accountability to its political bosses and to the court of law.

I had the opportunity to serve as director of the FIA in Karachi during the last 21 months of the Ehtesab Bureau and the first 21 months of the NAB. Any anti-corruption mechanism, whether politically or bureaucratically controlled, is bound to fall short of public expectations. The FIA is subject to both of these controls without the autonomy and leadership security that it needs to function effectively. This is a root cause of the FIA’s weakness as an institution. A cursory glance at the tenures of FIA directors general illustrates my point.

The agency has had 29 DGs over the 38 years since its creation. Most of these transfers took place immediately before or after a change of government. The first 19 years saw 10 DGs (with average tenure of a year and a half), and in 1977 alone (the year of political change), five DGs went in and out of office. Over the next 19 years, 19 DGs occupied the office (with an average tenure of one year), and in 1993 and 1997 (both election years), four and three DGs went in and out of office, respectively. The situation has

worsened since 2009, as the incumbent DG as of May 2012 is, remarkably, the sixth DG (average tenure six months) in the last three years. How can an organization establish direction and stability, or become effective, if its head is shown the door every six months? As a point of comparison, the Anti-Narcotic Force was placed under the control of the Pakistan Army in 1993, and 19 years later, the incumbent DG is only the force's sixth. For a comparison with a similar organization internationally, the FIA can best be compared to the Australian Federal Police, which has had only six heads since 1979.

Finally, the FIA is currently understaffed, with only 2,094 officers working out of a sanctioned strength of 2,795. The FIA's budget for fiscal year 2011–2012 totaled Rs. 913 million (approximately US\$ 10 million), of which 75 percent is employee-related expense.<sup>6</sup>

### Criminal Proceedings against Federal Government Employees

Another equally important reason for the ineffectiveness of the FIA lies in the procedure that it must follow to act against suspected government officials. FIA Act 1974, like other laws, states that the government has the power to frame rules under it, “in particular the powers and functions of the members of the Agency in relation to the conduct of enquiries and investigations.”<sup>7</sup> These rules were not framed until 2002, but instructions issued by the Ministry of Interior when the Special Police Establishment was still in existence were adopted in 1975.

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**The political opposition, the media, and the general public felt that the accountability mechanism of the FIA was neither fair and transparent nor politically neutral enough to deal with the corruption of those in power.**

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These rules dramatically affected the quality of investigations against government officials. Pakistan's bureaucracy is structured according to the Basic Pay Scale (BPS) grading system, which operates on a scale of 1–22. All policy level decisions are taken by senior officers at BPS 18–22, with the most senior officers at BPS 22. When the 2002 FIA (Inquiry and Investigations) Rules were finally framed, they empowered the FIA to initiate an inquiry only against officers up to BPS 19, and inquiry proceedings

against all senior officers at BPS 20–22 were to be sanctioned by the Ministry of Interior. Worse, the authority of the FIA was further limited for registration of cases, as the DG could order registration of criminal cases only against officers up to BPS 17. This seriously limits the independent power of the DG, as the head of the country's lead anti-corruption agency, to initiate criminal proceedings against federal employees. Regional directors may initiate action only against non-gazetted officers at BPS 1–16. For all senior officers at BPS 18–22, the additional secretary (usually junior to the director general of the FIA), the secretary of interior, and the Federal Anti-Corruption Council—again headed by the secretary of interior—are the designated authorities. The DG's authority to drop a case (for insufficient evidence) and recommend departmental proceedings is restricted to BPS 16 officers only.<sup>8</sup>

Anyone with even the faintest understanding of the workings of the Pakistani government will understand the limitations that these rules place on the FIA. Corruption in the federal government does not end at the BPS 17 or 18 level. In fact, it starts there. All major scams involve senior-level officials along with political

<sup>6</sup> 2011–2012 FIA budget.

<sup>7</sup> Section 9 of the FIA Act.

<sup>8</sup> The powers to deal with different BPS officers of federal government are given in rules 5 and 8 of the FIA (Inquiry and Investigation) Rules, 2002, notified vide S.R.O.567 (1)/2002.

heavyweights. An anticorruption organization cannot be effective if it has to look to nonprofessional authorities for initiation of enquiries, registration of cases, and permission for prosecution sanctions, particularly when these authorities take years to respond to such calls.

The obvious result of such an arrangement is that the FIA is confined to actions against low-level employees such as meter readers, telephone supervisors, and so on, as the permission process against senior-level officials is long and cumbersome to the extent that relevant evidence is lost or destroyed. Therefore, it is seen as targeting only low-level federal employees while ignoring higher-level corruption. The conduct and professionalism of the Agency has been severely criticized by the superior judiciary and the media during most of the high-profile financial scams of the recent past, when critical investigations were either closed or reputable investigators were taken off cases.<sup>9</sup>

## Recommendations

Despite the need for improvement, there is an encouraging side to the FIA's functioning and effectiveness. The Agency has a wealth of experience in dealing with issues such as corruption, money laundering, terrorism, immigration, human trafficking, cybercrime, and intellectual property rights. No other institution in Pakistan has such experience. The organization's institutional memory—in terms of the experience of its personnel—is a high-quality asset and can be employed tactfully to meet the growing challenges of crime and investigation in the twenty-first century.

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**The organization's institutional memory is a high-quality asset and can be employed tactfully to meet the growing challenges of crime and investigation in the twenty-first century.**

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Immediate steps are necessary to ensure that the tireless efforts of the dedicated men and women of the FIA, coupled with the necessary structural, legal, and administrative improvements, will produce even better results in the control of corruption and prevention of crime in Pakistan. With these reforms, along with a concerted and sustained effort by senior officers and the Ministry of Interior to improve the workings of the FIA, the Agency can become a potent and capable force.

These steps include the following:

- The FIA's DG, additional directors general, and directors should be authorized to address all complaints of corruption against all federal employees, irrespective of rank and status. To avoid arbitrariness and victimization in individual decisions, an arrangement should be formulated whereby boards or committees are formed to take collective decisions, with representation by the Ministry of Interior.
- The procedure for appointment and removal laid out in Police Order 2002 should be strictly followed, and a three-year tenure must be guaranteed for officers, including the DG, in accordance with law.
- Capacity building and training of FIA officers should be an urgent priority, particularly in areas of anti-corruption, terrorism financing, money laundering, cybercrime, and intellectual property rights.

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<sup>9</sup> See, for example, "SC Asks Secretary to Reappoint IGP GB to FIA," *The News* (Pakistan), June 11, 2011, accessed May 21, 2012, <http://www.thenews.com.pk/Todays-News-13-6628-SC-asks-secretary-to-reappoint-IGP-GB-to-FIA>.



# Police and Counterterrorism in Khyber Pakhtunkhwa

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*Hasan Asad Alvi*<sup>1</sup>

The province of Khyber Pakhtunkhwa (KP) is no stranger to terrorism. In the 1980s, when the provincial capital of Peshawar was the headquarters for the Afghan resistance to the Soviet occupation, the province witnessed episodic violence. This phenomenon never established firm roots, however, nor did it spread to other parts of the country and cause any serious disruption in law and order. After the Soviets exited Kabul, the area—then known as the North-West Frontier Province—again experienced episodes of sectarian violence. As before, although these incidents put serious strains on law enforcement, the conflict never reached a breaking point.

In this context, when the United States attacked the Taliban regime in 2001, few would have predicted that the violence—which in previous instances had subsided after a period of time—would return with such a vengeance. Even as the Pakistani military started a campaign against foreign fighters hidden in the tribal areas bordering Afghanistan, the violent backlash was relatively minor and mainly limited to the unsettled tribal areas. The first major incidence of terrorism in KP took place in Dargai, a small town not far from Peshawar. On November 8, 2006, a suicide bomber detonated explosives just as young recruits from the Pakistan Army's Punjab Regiment were going through their morning exercises.<sup>2</sup> Tehreek-e-Taliban Pakistan claimed responsibility for the attack, which left some 45 troops dead and 20 wounded. Following the incident, the downward spiral began, as the frequency of terrorist attacks increased not just in KP, but across the entire country.

The Khyber Pakhtunkhwa Police (KP Police), then called the Frontier Police, were wholly unprepared for the emerging conflict. Previous violence in the region had never reached a point at which large-scale police reform became necessary. This time, however, the situation was different. As the influence of militants spread from the adjoining tribal areas into settled districts of the south such as Dera Ismail Khan, Lakki Marwat, and Tank, local police found themselves confronting an unprecedented threat. Official orders called for the prevention of any breach of law and order, but local police found it nearly impossible to implement such orders on the ground. Trained to apprehend common criminals, police officers were confronted with a large number of well-trained and heavily armed individuals. The result was an uneasy truce, with militants maintaining the upper hand because of their numerical and logistical superiority.

The first significant flash point between militants and local law enforcement occurred in the district of Swat. Because police did not have the capacity to neutralize the militant force, the army was called in to

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<sup>1</sup> The author wishes to thank Mr. Mazhar-ul-Haq Kakakhel, Deputy Inspector General of Police, Traffic, KP Police, and Mr. Awal Khan, Assistant Inspector General of Police, Logistics, KP Police, for their invaluable support and advice in the writing of this chapter.

<sup>2</sup> Ismail Khan, "Suicide Attack on Army Base: 40 Troops Dead; Search on for Bomber's Aide," *Dawn*, November 9, 2006, accessed June 14, 2012, <http://archives.dawn.com/2006/11/09/top1.htm>.

counter the growing influence of the Fazlullah-led Tehreek-e-Nifaz-e-Shariat-e-Muhammadi (Movement for the Implementation of Muhammad’s Law, which later merged with Tehreek-e-Taliban Pakistan). The Swat experience brought to the fore the inherent weaknesses of the existing police organizational structure and sparked a wholesale review of counterterrorism processes employed by the KP Police.

This chapter will look at the response of both the provincial and the federal government to the rise in terrorism in KP. As will be explained, this response can be categorized into five areas: organizational restructuring, legislation, intelligence collection, special police units, and media management.<sup>3</sup>

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**Before terrorism emerged as a serious threat, police officials in Pakistan were recruited primarily to fight common crime.**

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### Organizational Restructuring

Before terrorism emerged as a serious threat, police officials in Pakistan were recruited primarily to fight common crime. As the terrorism threat grew, it became clear that this crime-focused approach was totally inadequate to confront the militants. The losses suffered by the police forced the political leadership to introduce much-needed organizational reforms. In KP, the police have made significant progress since 2007, but changes have come at a terrible cost in both men and material.

#### Personnel

In 2007, the KP Police faced severe personnel shortages, for which the government compensated by recruiting new officials and hiring individuals on a contract basis wherever possible. The latter strategy has generated much debate and will be discussed in detail later in the chapter. The overall change in manpower during the three years is reported in Table 1.

**Table 1: Change in Manpower**

Description	2007	2010	% change
Gazetted Officers	600	885	48
Upper Subordinates	2,780	4,678	68
Lower Subordinates	35,767	53,128	49
Lower Subordinates on contract	-	11,176	-
<b>TOTAL</b>	<b>39,147</b>	<b>69,867</b>	<b>78.5</b>

Source: Central Police Office, Peshawar.

Until 2007, no police officials worked on a contractual basis. Once the situation started to deteriorate, recruitment based on contract was initiated to overcome the personnel shortage facing the department. It is important to note that not all of these officers are on operational duty, however. For example, Capital

<sup>3</sup> Professor Jenny Hocking of Monash University uses five categories—legislation, intelligence, special police squads, civil-military cooperation, and media management—to explain counterterrorism strategy in Western liberal democratic countries in her paper “Terrorism and Counter-Terrorism: Institutionalising Political Order,” *Australian Quarterly*, vol. 58, no. 3 (Spring 1986): 297–307, published by the Australian Institute of Policy and Science. Since Pakistan represents a different polity than the countries in the West, the author has changed the factors according to the particular situation of the province.

City Police Peshawar, the largest single unit in the province, has a total strength of 5,324 (lower subordinates), out of which only 3,827 officers (72 percent) are deployed in the field for operational duties.<sup>4</sup> A similar situation exists in other districts as well. This represents an improvement over 2007, when roughly half the strength was generally deployed on routine operational duties.

### Weapons and Equipment

Before 2007, the KP Police lacked most of the modern-day gadgetry needed for crime fighting and counterterrorism. During this time, the force did not have a single credible heavy weapon in its arsenal, a fatal weakness during encounters with militants. In three years, the police were forced to build their arsenal from the ground up. The picture at the end of 2010 compared to 2007 is shown in Table 2.

**Table 2: KP Police Arsenal**

Description	2007	2010	% change
Pistols	1085	4075	276
Small Machine Guns (7.62 mm)	8156	51729	534
Large Machine Guns (7.62 mm)	382	559	46
Pen Pistols	326	1626	399
RPG-7 (40 mm)	.	864	.
12.7 mm Guns	.	601	.
Heavy Machine Guns (7.62x54 mm)	.	870	.
Automatic Grenade Launchers	.	320	.
Glock Tactical Lights	.	10	.
Sniper Rifles (7.62x54 mm)	4	552	13700

Source: Central Police Office, Peshawar.

The police also suffered due to a lack of specialized equipment such as night vision devices and explosive detectors. This was particularly damaging because field formations were often ambushed or attacked at night, and police personnel were routinely manning checkpoints and entry points to sensitive areas. The comparison of equipment held at the end of 2007 and in 2010 is shown in Table 3.

### Budgetary Allocation

Cognizant of the importance of a well-equipped police force, the provincial government has steadily increased the police budget since 2007. Admirably, both the provincial government and the senior departmental hierarchy have mobilized financial resources in an effort to improve logistics for the police force and the morale of the men at the frontlines. Table 4 shows how significantly the budget has increased in recent years. The single biggest jump in budgetary allocation occurred during fiscal year 2009–2010, when funds given to police more than doubled from the previous year.

<sup>4</sup> The actual number of lower subordinates (constables and head constables) in the Capital City Police Peshawar is 5,731, including women police and staff deployed on mechanical transport. Because details of their exact assignments are not available, they are not included in this total.

**Table 3: Changes in Equipment, 2007–2010**

Name of Equipment	2007	2010	% change
Gabion Barriers	-	10,000	-
Jammers	83	183	120%
NV Equipments	100	600	500%
Explosive Detectors	7	147	2000%
Bullet proof Jackets	2141	22832	966%
Bullet proof Helmets	-	19159	-
Bomb Blankets	-	24	-
Nail Barricades	-	54	-
Mine Detectors	-	24	-
Metal Detectors	1225	1375	12 %

Source: Central Police Office, Peshawar.

**Table 4: Provincial Police Budget, 2007–2011 (Billions of Pakistani rupees)**

Finance Year	Total Budget	Estab. Charges	% of Total Budget	Other Charges
2007-08	6.572	4.585	70 %	1.988
2008-09	8.707	6.269	72 %	2.438
<b>2009-10</b>	<b>17.501</b>	<b>10.858</b>	<b>62 %</b>	<b>6.642</b>
2010-11	17.593	13.868	79 %	3.724

Source: Central Police Office, Peshawar.

Several factors contributed to the decision to increase the KP Police budget. The chief minister led on the issue, calling for police officials' salaries to be doubled, as well for as the procurement of weapons and equipment for the force. Additionally, the government drastically enlarged the compensation package (the Shuhada Package) offered to the families of officials who died in the line of duty. This package increased the lump sum payment from an initial paltry Rs. 500,000 (approximately US\$5,500) in 2007 to Rs. 3 million (approximately US\$33,000) in 2010. As of 2012, this figure stood at Rs. 10 million.<sup>5</sup> The package now includes free education and health care for the family of the deceased, payment of salary until the date of superannuation of the deceased, and a plot of land to the heirs. Acts of gallantry and bravery are recognized through the awarding of medals.

Table 4 also indicates a substantial increase in allocations in other areas, including the procurement and maintenance of weapons, logistics, and infrastructure. These allocations reveal a growing realization

<sup>5</sup> See Government of Khyber Pakhtunkhwa, "White Paper 2011-2012," accessed June 14, 2012, [http://www.financekpp.gov.pk/FD/attachments/article/75/WhitePaper\\_2011-12.pdf](http://www.financekpp.gov.pk/FD/attachments/article/75/WhitePaper_2011-12.pdf), 10

among policy makers and foreign donors that improving the police force is necessary in order to combat terrorism in the province. Among foreign donors, the United States has been at the forefront of efforts to arm the police with the necessary equipment and skills. The U.S.-led Police Assistance Program, for instance, has “provided over 40 million USD of vital police equipment . . . which includes vehicles, communication equipment, body armor, protection gear and other law enforcement related material.”<sup>6</sup>

## Legislation

The main body of law dealing with terrorism is the Anti-Terrorism Act, passed by Parliament in 1997, which the provinces are not authorized to amend. Under the present circumstances, the law falls short of achieving its objectives. In view of the large number of militants captured during the Swat operation and in other operations throughout the country, President Asif Ali Zardari promulgated the 2009 Anti-Terrorism (Amendment) Ordinance on October 1, 2009. The intention was to provide for more robust

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**The conviction rate in terrorism-related cases is abysmally low—reported to be as little as 5 percent.**

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and effective prosecution of terrorism suspects and to eliminate loopholes in the existing law. However, since the ordinance lapsed on May 31, 2010, the inadequacies of the existing legislation persist.

Meanwhile, the conviction rate in terrorism-related cases is abysmally low—reported to be as little as 5 percent.<sup>7</sup> The two key players in this arena, government prosecutors and the judiciary, blame each other for poor performance. Prosecutors accuse judges of dismissing cases indiscriminately, while judges claim that acquittals are attributable to weak police investigation and poor follow-up by prosecution lawyers. The government can challenge the orders of the antiterrorism courts under the law, but has rarely done so. Similarly, departmental action, if any, against officials on account of faulty or poor investigation has only resulted in minor punishments.

## Intelligence Collection

The lack of timely and actionable intelligence has been a major problem for the KP Police since the first series of terrorist attacks took place. To address the issue, in 2007, the Central Investigation Department was revamped and reorganized into the Directorate of Counter Terrorism. The remodeled organization was tasked with the collection and dissemination of intelligence to field formations throughout the province. The department is headed by a deputy inspector general of police and has representatives in the regions and districts. Since the reorganization, the intelligence situation has improved considerably, with greater coordination between local police and intelligence agencies. Despite the improvements, however, the province is still far from developing a formal mechanism for intelligence sharing like the fusion centers established in the United States.

## Special Police Units

As is the case for other police forces in the world, the KP Police has long faced personnel shortages. As the terrorism crisis worsened, however, the shortfall became particularly acute. It was in this context that a number of measures were taken by the government in recent years to meet the shortfall. These measures entailed the creation of the following forces:

<sup>6</sup> U.S. Consulate General, Peshawar, Pakistan, news release, March 9, 2010, accessed June 14, 2012, [http://peshawar.usconsulate.gov/pr\\_03092012.html](http://peshawar.usconsulate.gov/pr_03092012.html).

<sup>7</sup> Ismail Khan, “Row over Release of Suspects by ATCs,” *Dawn*, March 24, 2011, accessed June 14, 2012, <http://www.dawn.com/2011/03/24/row-over-release-of-suspects-by-atcs.html>.

**Elite Force**

This force was established with the express purpose of providing highly trained and well-equipped personnel to field commanders in order to counter the rising threat of militancy. They have been trained by the Pakistan Army and appear capable of confronting the challenges posed by militants. The force is estimated to consist of 7,500 personnel that can be deployed anywhere in KP, and it is headed by an officer of the rank of deputy inspector general. Although the force is under the operational command of the district police officer during field deployment, it continues to remain under the administrative control of the Peshawar-based deputy inspector general.

**Quick Response Force**

The Quick Response Force consists of Anti-Terrorist Squad-trained personnel that, unlike the Elite Force, are placed under the direct supervision and administrative control of the district police officer. This force, whose officers are selected from the district police, is stationed in the district police headquarters and is on 24-hour standby duty to respond to any eventuality. Although it is not as highly trained as the Elite Force, it effectively provides backup support to the district police.

**Special Police Force**

Special Police Force personnel are selected from the local population in those areas where existing police strength is inadequate. The force is set up under Article 126 of Police Order 2002 and is designed to assist the local police in maintaining law and order in areas affected by insurgency or militancy. A member of the Special Police Force is paid a fixed monthly salary of Rs.10,000 (approximately US\$110), and his services can be terminated at any time by the chief of district police. A total of 8,725 vacancies have been sanctioned by the provincial government, of which 7,037 have been recruited, with the bulk of seats allocated to Swat and Peshawar districts.

The project was conceptualized and implemented successfully in Malakand and various southern districts and has now been initiated in all districts of KP, including Peshawar. It has attracted much attention in the West, where it has been likened to the arming of local militia in Afghanistan to fight the Taliban. In Pakistan, this concept is being carefully monitored by the local police, and recruitment involves a thorough vetting of the candidate. There have been no reported problems thus far.

**Induction of Ex-Military Servicemen**

The induction of former military servicemen into the police cadre acts as another stopgap arrangement to meet the personnel shortage. These officials are hired on a contract basis by the provincial government, which can terminate their contracts if necessary. Some 2,500 ex-military servicemen have been inducted into the service so far through an open merit system to boost the fighting capability of the police force. These personnel have been distributed among the districts, with the bulk going to Swat (855) and Peshawar (426). As the program is relatively new, its efficacy has yet to be determined.

**Bomb Disposal Unit**

The original Bomb Disposal Squad of the KP Police has now been upgraded to a full-fledged unit headed by an officer in the rank of assistant inspector general who is an explosives expert hired on the open market. The unit's staff are sent to different courses for training on the latest developments in the field and provided with state-of-the-art gadgetry to support their work. This unit has thus far done a commendable job in the face of tremendous odds.

## Media Management

According to reports by local and international media, Pakistan's police force ranks as one of the country's most corrupt bodies. The resulting public perception of incompetence has severely hampered the organization's performance in the area of counterterrorism. People are hesitant to share information relating to militants not only because they think that the local police are unreliable, but also because they harbor a genuine fear that the police will be unable to protect them from retaliation. In the last five years, the sacrifices rendered by the force have brought some change to its public image. As Table 5 indicates, police

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**There is still a long way to go before the police can present themselves to the public as an efficient and impartial organization.**

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casualties in terrorist attacks are second only to those of the citizenry. Nevertheless, there is still a long way to go before the police can present themselves to the public as an efficient and impartial organization.

Pakistan has witnessed a phenomenal growth in electronic media within a span of only a few years. That this development took place alongside a vibrant print

media has put even more pressure on police to improve service delivery. Police officials are now under the constant watch of a public that is skeptical even in the best of times. The prevalent mind set can be gauged from the fact that both electronic and print media hesitate to refer to police officials who die in terrorist attacks as martyrs. Unfortunately, there is still no formal public relations strategy in place at the provincial level that can effectively communicate the viewpoint of the police. This has been a major stumbling block in winning the hearts and minds of the common man.

## Counterterrorism versus Rule of Law Policing

The question of whether the police should perform counterterrorism duties, entailing a highly trained gendarmerie capable of fighting the militants, or rule of law policing—meaning a force geared toward the prevention and detection of crime as well as attending to public grievances—is a question that think tanks and experts in Western capitals have been grappling with for quite some time. In KP, the issue has been settled in favor of a force that displays both aspects, where field formations perform routine police functions while the specially trained Elite Force and Quick Response Force provide necessary counterterrorism support. It remains to be seen whether this model can be successful.

**Table 5: Deaths and Injuries from Terrorist Attacks**

Year	PERSONS KILLED					PERSONS INJURED				
	Police	FC	Army	Civilians	TOTAL	Police	FC	Army	Civilians	TOTAL
2007	62	32	62	253	409	172	89	162	592	1015
2008	117	25	52	408	602	256	86	88	885	1315
2009	149	22	107	742	1020	360	70	236	2244	2910
2010	63	12	37	412	524	197	18	105	1047	1367
2011	138	148	45	406	737	256	118	109	947	1430
TOTAL	529	239	303	2221	3292	1241	381	700	5715	8037

Source: Central Police Office, Peshawar.

## Recommendations

Pakhtuns are no strangers to terrorism, and their resilience in the face of adversity has won them a great deal of respect. The KP Police exhibits this same resilience and has fought bravely and admirably against tremendous odds and difficult challenges. It is a testament to the force's courage that militants have not been able to gain any ground in the settled districts since the Swat debacle, despite experts' predictions to the contrary. That this achievement has come at the cost of so many brave sons of the soil is a story waiting to be told.

Thus far, the overall scorecard regarding the response of the KP Police to the threat of terrorism indicates mixed results. While the resources crunch has been mostly attended to, the following areas of concern remain:

- Investigation remains the weakest link in the counterterrorism chain. The KP Police claim to have arrested more than 6,000 militants in 2011 alone, but it is unclear how many of these individuals were eventually charged and convicted. Because the investigation branch is understaffed and poorly equipped, investigating officers have to manage a large caseload with meager resources at their disposal. While they may not be responsible for all acquittals or dismissals, the police should take the lion's share of the blame for the poor conviction rate. In this regard, too much focus has been placed on enhancing the capacity of senior officers by sending them to foreign and domestic training, while little attention has been paid to junior staff, who conduct most investigations in the field. Sending competent junior officers from the ranks of assistant subinspectors and inspectors to training in order to develop advanced investigation skills would benefit the investigation department immensely. Over time, these officers can form a nucleus of expert investigators who, in turn, can train other officers. Unless this limitation is addressed, it will have serious long-term consequences on the overall effort to combat militancy.
- Prosecution was separated from the police force in 2002 and gained formal status as an independent department through a 2004 Ordinance (ratified by the Provincial Assembly in 2005), under which prosecutors can supervise police investigations. In reality, however, such supervision rarely occurs, and the lack of coordination between both bodies severely hampers the smooth disposal of terrorism-related cases. Procedural hurdles, such as the inadmissibility of confessions before a senior police officer, contribute to the low conviction rate. Additionally, in the absence of any credible witness protection program, witnesses often turn hostile to the prosecution's case for fear of reprisal. It then falls on the police to provide testimony. It is somewhat ironic that the testimony of a police officer is unacceptable in a court of law when it comes to recording confessions. Under the circumstances, Anti-Terrorism Act 1997 and the Evidence Act of 1871 need to be amended to close these loopholes.
- Although coordination between intelligence and law enforcement agencies has improved in recent years, there is considerable room for progress. In order to improve coordination, Pakistan should consider setting up a formal intelligence sharing mechanism similar to fusion centers in the United States.
- Weapons ownership is very common in Pakhtun society. Indeed, carrying a weapon is more a symbol of pride than self-defense for a Pakhtun. Until 2007, the KP Police had invested much time and energy into de-weaponizing the province's settled areas. These efforts are now being reversed because of the need to recruit armed Special Forces from the local population to fight militancy. The KP Police should keep a close check on the militias by vetting the backgrounds of their members and keeping track of their weapons. Any lapse in this area will deal a serious blow to past police efforts in this area.
- The KP Police has a very lax, if not absent, media management policy. In this sense, the department has not kept up with the times and the prospect of a public that is hungry for news. Withholding informa-



tion until the last minute does not work well in an era of breaking news and a 24-hour news cycle. More often than not, the department comes out more tarnished than before, even when it is on the receiving end of terrorist attacks. To address this shortcoming, the KP Police should develop its officers' skills in working with the media. Professional public relations officers as well as the facilitation of regular interactions with the media are some options to be explored in this regard.

- Although the provision of additional resources has had a salutary effect on the counterterrorism campaign, underlying structural issues in the system remain. The perennial manpower shortage is a case in point. Even with all of the fresh recruitments since 2007, the shortfall in police strength remains a problem. Peshawar, for example, has a police-to-population ratio of 1:520.<sup>8</sup> In Lahore, this ratio is 1:291 for a population of about 9 million. Across the border, the ratio is 1:357 for Mumbai, while for Delhi, the ratio is 1:241.<sup>9</sup> The situation in KP implies longer working hours and fewer vacations for police officers. This deficiency must be addressed.

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<sup>8</sup> This ratio jumps to more than 700 for one constable if only staff on operational duties are taken into account.

<sup>9</sup> Imran Ayub, "Karachi: City's Police-Population Ratio Abysmally Low," *Dawn*, November 24, 2008, accessed June 14, 2012, <http://archives.dawn.com/2008/11/24/local1.htm>.

# Police Reform in Balochistan

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*Siraj Ahmed*

In the last decade, Balochistan has witnessed an upsurge in violence that has claimed the lives of innocent civilians and law enforcement personnel. By and large, local police have failed to grapple with the monumental challenge of bringing peace to the province as a result of their poor state of preparedness and the variety of threats that stem, at least in part, from Balochistan's shared borders with Iran and Afghanistan.

## The Nature of Policing Challenges in Balochistan

Since Pakistan's inception, gas-rich Balochistan has experienced troubled relations with the central government, which strictly controls the province's natural resources (especially gas) and closely oversees its internal administrative and financial affairs. Moreover, the province's majority ethnic group, the Balochs, have long complained about a lack of representation in the federal and provincial services, including the police force.<sup>1</sup> They point out that they are outnumbered by members of other ethnic communities, such as Punjabis and Pashtuns, who come to Balochistan for employment.<sup>2</sup> According to one Quetta-based journalist, the absence of Balochs within the local security structure is to blame for the failure to win the hearts and minds of locals.<sup>3</sup>

Given these feelings of deprivation and underrepresentation, Balochs waged resistance battles against Pakistan's central government in 1948, 1962, and 1973. The current insurgency, which began in 2004, is the longest and most sophisticated of all conflicts thus far. It has created such serious law and order problems that many senior-level police officers from other provinces have refused to serve in Balochistan despite attractive government incentives.<sup>4</sup> These officers fear being targeted and killed by Baloch insurgent groups because of their ethnicity and loyalty to the government. The task of policing Balochistan is becoming more and more difficult as senior police officers make efforts in order to avoid postings in the province. "Balochistan has become one of the least desired places for policemen to serve," one senior police officer confided.<sup>5</sup>

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Since Pakistan's inception, gas-rich Balochistan has experienced troubled relations with the central government.

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Insurgents target police officers, security personnel, and political opponents; blow up gas pipelines and railway tracks; fire rockets at official buildings; target security checkpoints; and lay land mines in conflict

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<sup>1</sup> Sanaullah Baloch, former senator and leader, Balochistan National Party, interview with the author, London.

<sup>2</sup> Dr. Ishaq Baloch, vice president, National Party, interview with the author, Quetta.

<sup>3</sup> Bari Baloch, bureau chief, *The Nation*, interview with the author, Quetta.

<sup>4</sup> Senior police officer, Quetta, interview with the author, April 15, 2012; name withheld at interviewee's request.

<sup>5</sup> Ibid.

zones. Before the eruption of violence in Balochistan, the police were neither trained nor prepared to deal with such widespread outbursts of violence.<sup>6</sup> These emerging forms of violence are in addition to other crimes—such as homicide, burglary, theft, and kidnapping—that the police are expected to manage as a part of routine professional duty.

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**The task of policing Balochistan is becoming more and more difficult as senior police officers make efforts in order to avoid postings in the province.**

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The police force does not enjoy a positive reputation in Balochistan, as it is largely perceived to be corrupt, brutal, inept, politically influenced, and a source of provocation rather than a solution to public problems.<sup>7</sup> The use of drugs and the acceptance of bribes are commonplace in the force.<sup>8</sup> Local residents maintain that officers must be bribed at every stage of a case, from the lodging of a First Investigation Report to the investigation and the preparation of

the affidavit. Relatives of suspects held in custody complain that jail authorities compel them to pay bribes to gain access to prisoners. Likewise, police officers have been said to collect bribes from the relatives or supervisors of terrorists in exchange for leniency during the interrogation process. While the use of torture as an investigative method is a deeply flawed approach, the acceptance of bribes is an equally incorrect and demoralizing practice that minimizes the preparation of a professionally crafted affidavit.

The police force has also been criticized for its controversial composition. Many personnel come from Punjab Province; few local Balochs are recruited into the force. The bulk of the senior leadership also comes from other provinces (mainly Punjab). As a result, local communities and police do not enjoy a friendly and cooperative relationship. “The policemen are disrespectful of the sanctity of our boundary walls as they raid houses without even seeking prior permission or making an announcement so that people at least keep their women and children in a different room before the male members of the family answer questions,” explained Mir Zahoor Buledai, a Balochistan minister, who alleged that the police do not always abide by provincial government instructions.<sup>9</sup>

### The Levies Force

In Balochistan, the Levies Force has historically controlled approximately 95 percent of the territory, and it has enjoyed a better reputation among the people than the police.<sup>10</sup> This reputation is directly linked to the force’s roots in local communities. The British formed the Levies Force with the help of local tribal elders, known as *sardars*, and the local tribal chiefs continue to be consulted throughout the process of officer recruitment. These deep links with the community have enabled the force to combat criminals more effectively. It has been able to serve a mediating role as a result of its long-standing reputation of encouraging and facilitating the settlement of disputes among warring factions.

Local media, tribal chiefs, and politicians have played instrumental roles in building the positive image of the Levies Force. Indeed, despite several professional shortcomings, Levies officers are largely perceived by the people of Balochistan as more professional and community friendly than the police.<sup>11</sup> It is asserted

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<sup>6</sup> Shahzada Zulfiqar, former president, Quetta Press Club, and senior journalist, interview with the author, Quetta.

<sup>7</sup> Senator Hasil Khan Bizenjo, National Party, interview with the author, Islamabad.

<sup>8</sup> Siddiq Baluch, senior journalist and security analyst, interview with the author, Quetta.

<sup>9</sup> Zahoor Ahmed Buledai, Balochistan minister for fisheries, interview with the author, Quetta.

<sup>10</sup> Malik Siraj Akbar, “More Crime in Police-Controlled Areas in Balochistan,” *Daily Times (Pakistan)*, July 11, 2007, accessed June 20, 2012, [http://www.dailytimes.com.pk/default.asp?page=2007%5C07%5C11%5Cstory\\_11-7-2007\\_pg7\\_13](http://www.dailytimes.com.pk/default.asp?page=2007%5C07%5C11%5Cstory_11-7-2007_pg7_13).

<sup>11</sup> Senator Abdul Malik Baloch, National Party, interview with the author, Islamabad.

that Levies officers are more respectful and cooperative because of their familiarity with the local language, culture, and context.<sup>12</sup>

Balochistan's former governor and corps commander general, Abdul Qadir Baloch, explained there are "good reasons" for the mistrust between the police and the local population: "The Police Force brings with itself a . . . culture where ordinary people feel abused and insulted and which promotes all kind of abuses of power such as illegal confinement, torture, and giving cover to criminal elements in return for bribes. Unfortunately, the Police Force has failed to put a stop to this culture despite their lofty claims and repeated attempts at reform."<sup>13</sup>

At the same time, the Levies Force, which is overseen and financed by the provincial Ministry of Home and Tribal Affairs, has consistently complained about a lack of attention and encouragement from the federal government.<sup>14</sup> Indeed, it remains a poorly financed and ill-trained force, despite its jurisdiction over the overwhelming majority of the region. The government has failed to modernize this centuries-old force to bring it up to speed with Pakistan's other modern policing organizations.

Despite public support for the Levies Force, sections of the civilian and military governments in Pakistan have expressed dissatisfaction with the organization's performance, holding it responsible for the poor state of law and order in Balochistan. They accuse the Force of being unprofessional, corrupt, and subservient to tribal chiefs. According to these critics, the organization is merely a tool used by the tribal chiefs to further their own agenda. For instance, Tariq Khosa, a former inspector general of police in Balochistan, has called the Levies "a rag-tag tribal militia . . . whose only qualification is unbridled loyalty to their tribal lords. They are simply incapable of handling law and order or investigating crimes."<sup>15</sup>

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Critics of the Levies Force suggest completely abandoning it and replacing its jurisdiction with that of the police. Others have proposed its merger with the police force in order to avoid administrative chaos and mismanagement of official funds. Both proposals have failed because of disagreements within the Balochistan government.<sup>16</sup>

## The Police Force

Compared to the Levies Force, Balochistan's police force has received better attention, training, and funding from both the federal and provincial governments, despite only controlling 5 percent of the area (mainly the district headquarters and metropolitan areas). The police force, which draws the bulk of its recruits from other provinces, remains largely incapable of delivering good service in even the small area over which it has jurisdiction. Its ignorance of the local language, geography, culture, and traditions and a paucity of reliable contacts among the local people for the purposes of intelligence sharing has contributed to its failure in Balochistan. A lack of cooperation and, in some cases, confrontation between the police and local population is the order of the day.

<sup>12</sup> Senator Rubina Irfan, Pakistan Muslim League, interview with the author, Islamabad.

<sup>13</sup> General Abdul Qadir Baloch, "The Case of Levies Force in Balochistan," *The Baloch Hal*, June 15, 2010, accessed June 20, 2012, <http://www.thebalochhal.com/2010/06/the-case-of-levies-force-in-balochistan/>.

<sup>14</sup> Noorul Haq Baloch, deputy director, Department of Home and Tribal Affairs, interview with the author, Quetta.

<sup>15</sup> Tariq Khosa, "Baluchistan Can Be Saved," *The News* (Pakistan), April 17, 2012, accessed June 20, 2012, <http://www.thenews.com.pk/Todays-News-2-103429-Balochistan-can-be-saved>.

<sup>16</sup> "Balochistan Decides to Abolish Musharraf-Era Police System," *Daily Times* (Pakistan), May 20, 2009, accessed June 20, 2012, [http://dailytimes.com.pk/default.asp?page=2009%5C05%5C20%5Cstory\\_20-5-2009\\_pg7\\_11](http://dailytimes.com.pk/default.asp?page=2009%5C05%5C20%5Cstory_20-5-2009_pg7_11).

The police force has had to double its efforts to tackle serious crimes in the province's urban centers, which have soared in recent years. An increase in cases of targeted killings in urban areas such as Quetta has seriously diminished the credibility of the police. Despite being better equipped than the Levies Force, the police force has totally failed to defend civilians, much less its own officers, against assault.

Police failure unfortunately exists within the context of significant urban lawlessness in the province. When the current insurgency began in 2004, lawlessness was a concern only in the district of Dera Bugti, where Pakistan's largest gas reservoirs are located. Today, lawlessness had expanded. According to the Pak Institute for Peace Studies (PIPS), in 2010, Balochistan ranked as Pakistan's most volatile region. In that year, as many as 737 attacks took place, and approximately 600 people were killed.<sup>17</sup> In

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its 2010 Pakistan Security Report, PIPS stated that Balochistan had seen a 43 percent increase in cases of death from terrorist attacks over the previous year and another 4 percent increase in injuries caused by different attacks.<sup>18</sup>

In the wake of a general breakdown of law and order and the failure of the police force to normalize the situation, the government in Balochistan has been repeatedly compelled to call on the Frontier Corps (FC), a federal paramilitary force, to take control of sensitive places such as Quetta. The FC, which is basically a border force, has always performed better than the police in terms of establishing the writ of the government, even though it has not been primarily trained to perform policing tasks.

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## Threats to Security

At present, the greatest threat to police in Balochistan is posed by Baloch nationalists, sectarian violence, the Taliban, and criminal groups.

### Baloch Nationalists

Seeking a separate homeland for the Baloch people, nationalists employ violence as a means of either resisting the state's own brutal use of violence or pursuing their own goals. These insurgents are represented by the following groups:

- **Baloch Liberation Army (BLA):** an underground armed group fighting for the rights of the Baloch people. The organization is very active in the districts of Marri and Kohlu, but it operates in Quetta City as well. It is known for launching rocket attacks on military and paramilitary checkpoints, official buildings, cantonments, gas pipelines, railway tracks, and power pylons. Targets include police officers, government officials, fellow Balochs who work for the government security services, and intelligence agencies. The group is believed to be run by the Marri tribe. The governments of Pakistan and the United Kingdom have declared the BLA a terrorist organization, but it continues to operate as a result of its popularity among some Baloch communities.
- **Baloch Republican Army (BRA):** very active in Naseerabad, Jaffarabad, Sibi, Bolan, and Dera Bugti districts. Of all Baloch nationalist organizations, the BRA has inflicted the most numerous and brutal

<sup>17</sup> Pakistan Institute for Peace Studies, "Pakistan Security Report 2010," January 2011, accessed June 20, 2012, <http://san-pips.com/download.php?f=74.pdf>.

<sup>18</sup> Ibid.

assaults on the police force in the province. In August 2009, the group kidnapped 22 policemen from Chatar, a small town in Balochistan, in order to press the government to release all its activists and end operations in Balochistan. When the government refused to comply with their demands, the BRA killed all 22 officers while in custody.<sup>19</sup> Though it is a relatively new organization, the BRA has been able to carry out fierce operations against security forces, often targeting railway tracks and gas pipelines.

- **Baloch Liberation Front (BLF):** active in the town of Mand in Kech (Turbat) District along the Pakistan–Iran border. Among various Baloch insurgent groups, the BLF is the only one that is not under the direct control or influence of any Baloch tribal chief. The group is mainly composed of middle-class, educated, but unemployed Baloch youth. It vehemently opposes any kind of construction projects and exploration in the region. To that end, it has attacked and killed Chinese engineers developing a port in Gwadar and killed several nonlocals working on road construction projects. The organization is very active in Kech, Gwadar, Turbat, and Awaran districts.
- **Baloch Liberation United Front:** located mainly in Quetta City. It does not operate as frequently as the rest of the Baloch armed groups, but most of its operations have been extraordinary. In February 2009, it kidnapped John Solecki, the American chief of the Balochistan suboffice of the United Nations High Commission for Refugees.<sup>20</sup> It is also involved in high-profile political assassinations, such as the October 2009 killing of Balochistan’s education minister, Shafiq Ahmed Khan.
- **Lashkar-e-Balochistan:** a nationalist group operating in Khuzdar, the province’s second-largest district. It frequently attacks security force checkpoints.

### Sectarian Violence

For almost more than a decade, the Lashkar-e-Jhangvi (LeJ), an underground Sunni militant group, has been actively operating in Quetta. It has carried out attacks on members of the Shia minority sect, particularly those of the Hazara group. The LeJ is believed to have contacts with extremist segments of the Pakistani security establishment and to receive some support from some police officers. According to one estimate, the LeJ has killed at least 600 members of the Shia Hazara community with absolute impunity.<sup>21</sup> While the organization has mainly carried out attacks inside Quetta, it has significantly expanded its operations to the neighboring districts of Mastung and Bolan.<sup>22</sup> Recently, the LeJ has intensified its attacks by attacking wagons carrying Hazara passengers and by carrying out suicide bombings on religious processions during the Muslim holy month of Muharam.<sup>23</sup> Senior police officers in Quetta were recently targeted as well.

### The Taliban

The governments of the United States and Afghanistan have often expressed concern about the alleged presence of the Quetta Shura, the top Taliban leadership council, inside Balochistan. Despite finding safe sanctuary and carrying out intermittent suicide bomb blasts, the Taliban has not yet demonstrated a great show of power inside Balochistan. Although the police in Quetta often publicly announce the arrest of senior Taliban leaders, further details are rarely revealed regarding the leaders’ status after

<sup>19</sup> “Four More Abducted Police Personels [sic] Killed by Baloch Army,” *Balochwarna*, August 8, 2009, accessed June 20, 2012, <http://www.balochwarna.com/modules/news2/index.php?start=475&storytopic=0>

<sup>20</sup> Malik Siraj Akbar, “Who Freed John Solecki?,” in *The Redefined Dimensions of Baloch Nationalist Movement*, by Malik Siraj Akbar (Bloomington, IN: Xlibris, 2011), 134–36.

<sup>21</sup> Malik Siraj Akbar, “In Pakistan, the Hazaras are Punished over Race and Religion,” *Huffington Post*, April 6, 2012, accessed June 20, 2012, [http://www.huffingtonpost.com/malik-siraj-akbar/in-pakistan-hazara-punished\\_b\\_1394135.html](http://www.huffingtonpost.com/malik-siraj-akbar/in-pakistan-hazara-punished_b_1394135.html).

<sup>22</sup> Malik Siraj Akbar, “Pakistan’s Worsening Hazara Crisis,” *Huffington Post*, April 16, 2012, accessed June 20, 2012, [http://www.huffingtonpost.com/malik-siraj-akbar/pakistans-worsening-hazar\\_b\\_1427464.html](http://www.huffingtonpost.com/malik-siraj-akbar/pakistans-worsening-hazar_b_1427464.html).

<sup>23</sup> Malik Siraj Akbar, “Troubled Hazaras of Balochistan,” *Friday Times*, September, 2006.

their detention. Some elements of Pakistan's security sector allegedly support the Taliban as a way to counterbalance the ongoing Baloch secular and nationalist movement.

### **Criminal Groups**

A range of criminal groups operate inside Balochistan with the support of powerful politicians and tribal chiefs. Local sources say that the groups involved in highway robberies, auto theft, and kidnapping for ransom are in fact operated and patronized by some members of the Balochistan government. These gangs operate with absolute impunity. One of their primary victims, particularly in kidnapping for ransom, is the Hindu community because of its status as a religious minority group.

### **The Problem of Organizational Coordination**

Policing in Balochistan has been marred by a lack of coordination among various security forces. In fact, the constant tug-of-war between the security forces is an open secret. The police have remained hostile to the Levies Force, while the Frontier Corps has flaunted its more efficient performance compared to the police. Numerous allegations and accounts of interference have created an irreparable gulf between these organizations, making it difficult to determine the roles and responsibilities of different policing organizations.

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**Policing in Balochistan has been marred by a lack of coordination among various security forces.**

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Following the 1999 coup, former military ruler General Pervez Musharraf made a vehement attempt to permanently abandon the Levies Force. By converting all of the "B" areas (controlled by the Levies) into "A" areas, he brought these parts of the province under the direct control of the police. To explain the decision,

Musharraf argued that corruption had penetrated the Levies, making the force too unprofessional to be dependable. He claimed that the organization was a pawn of tribal chiefs hostile to the government. According to Musharraf, the state had lost its writ in B areas, which had become completely ungovernable. The federal government thus invested heavily in a phase-wise conversion project in which districts with fewer problems of law and order were brought under police control. Soon, nearly all of Balochistan was under police control. In truth, Musharraf's explanation for the conversion of the police was contrary to the reality on the ground.

Local political parties and nongovernmental organizations opposed the decision. They argued that instead of disbanding the Levies, the government should work to modernize the force, particularly in light of the advantages that the organization has as a result of its understanding of the geography, history, and culture of rural Balochistan. When the Pakistan People's Party came into power in 2008, the new coalition government in Balochistan scrapped Musharraf's plan and embarked on a process to once again convert the A areas into B areas and to restore power to the Levies. On April 7, 2008, during its first session, the new Balochistan Assembly passed a resolution demanding the restoration of the Levies Force.

The decision of the Pakistan People's Party to reverse Musharraf's reforms caused serious disillusionment within the police force and created an administrative vacuum. It also further complicated the existing organizational arrangement for maintaining law and order. The public was confused when attempting to file police reports, uncertain whether to file a case with the police or the Levies. Disenchanted with one another, the police would often refuse to take public cases, claiming that the crime had occurred at a place under the jurisdiction of the Levies Force. Likewise, the Levies would not act, hoping that the police would take action.

Naturally, the government's failure to clearly define the roles and responsibilities of the police and the Levies Force led to the breakdown of law and order, as both forces covertly struggled to blame one another for continued failures. Militant groups with sectarian agendas and other criminal groups took advantage of this disordered situation, intensifying their operations. The police force was left totally helpless to deal with the situation.

## Recommendations

As long as the conflict in Balochistan persists, the police force will remain under enormous pressure to perform better amid extraordinary challenges. The following steps are recommended for the transformation of the province's law enforcement infrastructure:

- The government must undertake drastic structural reforms to permanently end interdepartmental differences between different policing bodies. Experimental games between the police and the Levies Force or the Frontier Corps must end, and a final pragmatic decision should be made without political biases.
- Appointment of police officers should be made strictly on the basis of merit, without giving politicians the opportunity to influence the processes of selection, transfer, or posting.
- Fresh recruitments should be made to increase the representation of local Baloch youths. In light of the threats posed by Baloch nationalists toward locals who are considering joining the police force, the government should offer attractive salary packages and impressive job prospects to appeal to youth. Given the poor state of education in Balochistan, the government will have to soften educational requirements for police posts for local youth in order to ensure wider participation.
- The government should increase the salaries of police officers serving in Balochistan, keeping their pay in line with that of their counterparts in other provinces.
- Police officers should be trained in counterinsurgency and counterterrorism operations and should be provided with modern weaponry and vehicles.
- The Frontier Corps should not be allowed to participate in police-related operations, so that the police force can assume its own responsibilities.
- Intelligence agencies should end their political role, and all cases of extrajudicial killings and enforced disappearances should be properly investigated by the police.
- More police training centers should be established across the province.
- An internal investigation should be conducted to track down officers who have contacts with militant groups and other armed groups. Such officers should be terminated and punished for collaborating with criminal elements.
- Internal initiatives should be implemented to end torture by authorities during the investigation of suspects. Likewise, strict disciplinary action should be taken against officers found to have accepted bribes.
- The police should improve the internal departments responsible for media and community relations so that people feel more comfortable reaching out to the police for help.



# Perspectives on Police Reforms in Gilgit-Baltistan

*Ahmed Ali Aafani<sup>1</sup>*

The semiprovincial region of Gilgit-Baltistan (GB), formerly known as the Northern Areas, is a remote and impoverished area located in Pakistan's Karakoram-Himalayas region, bordering China and India. While the status of GB has improved since structural and legal changes were introduced by the government in 2008, a rising number of terrorist attacks targeting mostly Shiite Muslims traveling along the Karakoram Highway has created serious challenges for the police.

The police in GB currently lack critical operational, managerial, and leadership capacities and capabilities. The police leadership regularly complains of lack of resources, including equipment, technology, and criminal database inputs. A poor investigative and prosecutorial system further hinders effective law enforcement. With regard to operational needs, there is a serious scarcity of weapons. Out of a force of 5,600 officers, only 2,600 have been provided with any kind of weapons at all. There are 50 bulletproof jackets and helmets for the entire force. Surprisingly, the GB police force lacks any armored personnel carriers, whereas all other police across the country have been provided funds to acquire them. In the districts of Gilgit and Skardu, antiriot equipment is desperately required, and there is an acute shortage of police vehicles. A number of police stations in GB are functioning without any vehicles at all. Finally, some police stations are simply housed in rented buildings, and the major police training center in Skardu is actually operating in a government-owned sports complex.

Despite this, there have been many important positive developments of late. In 2011 alone, the GB police recruited more than 150 female officers to the force, constituting about 10 percent of the force's new recruitments. Additionally, the GB police opened seven girls' schools throughout the ultraconservative areas of Darel-Tangir and Diamar by hiring local teachers as "police constables" and paying them higher salaries than their usual official wages. It is also worth noting that of the 18 women police stations across Pakistan, seven are located in GB (out of a total of 55 police stations in the province). Third, more senior-level police jobs have been created for local officers, helping strengthen the morale and commitment of local officers. Finally, new police training centers in Skardu and Gilgit were established in 2011.

## Recommendations

Based on interviews with Gilgit-Baltistan's senior police leadership, the following changes are deemed critical:

- In addition to the need for broad-based initiatives to modernize the police force so that it can better address rising sectarian threats, the force needs to be empowered in the following ways:
  - More decision-making power should be granted to top police leadership.
  - Enhanced training must be provided to junior police officials at the local level.
  - Efforts should be made to improve coordination between the police and military, particularly in the city of Gilgit.
- A restorative justice program should be introduced as a means of unburdening the criminal justice system.
- The trend of appointing heads of key law enforcement and security organizations in GB from other parts of the country must be curbed, as it fosters mistrust and a sense of alienation among the public.
- A specialized counterterrorism unit for the region must be created to focus on the relationships between criminal groups and religious extremists and to study radicalization trends.

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<sup>1</sup> The information that follows is based on research and online interviews with Mr. Hussain Asghar, inspector general of police in Gilgit-Baltistan, and other senior police officials.

# The U.S. Model

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*Arif Alikhan*

Law enforcement in Pakistan is in need of substantial reform. Pakistan's 575,000 police personnel operate in more than 25 law enforcement agencies that are poorly trained, inadequately funded, and plagued with corruption.<sup>1</sup> Pakistani citizens generally do not hold the police in high esteem, and few would suggest that the police are effectively protecting communities against violence.

Pakistan's federal, provincial, and regional police and law enforcement agencies need the capability to counter terrorists and insurgents. Before this can occur, however, the police must develop the capacity to perform essential policing functions, such as preventing, responding to, and investigating crime in local communities. Agencies must be able to recruit trustworthy citizens, train competent officers, and develop institutional barriers to corruption and abuse. They must gain the trust of their communities and employ strategies that enlist citizens in the fight against crime.

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**For many Pakistanis, the police appear to be no match for the terrorists, insurgents, and common criminals who are victimizing the nation.**

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Decades ago, the United States faced a similar situation. Police and law enforcement agencies were viewed as corrupt, ineffective, and untrustworthy. Police departments throughout the country were entrenched in politics and patronage rather than effective policing. They served the interests of powerful elites and political bosses, ignoring the demands of citizens to live in a safe and secure society. Through

concerted reform efforts, however, law enforcement in the United States has evolved over the course of the last century to become one of the most respected and effective models in the world.

This chapter will provide a brief overview of this evolution in the United States and outline insights for police reform in Pakistan based on the American experience.

## **A History of U.S. Police Reform**

The United States has long avoided centralizing power in any one institution or level of government. The power to enforce the country's laws through law enforcement agencies is no exception. According to the U.S. Department of Justice, as of 2008, there were more than 765,000 law enforcement personnel with general arrest powers in nearly 18,000 different state and local agencies.<sup>2</sup> This total includes more than 12,500 local police departments, 3,000 county sheriff's offices, 50 state law enforcement agencies, and

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<sup>1</sup> This includes 18 federal law enforcement organizations, 4 provincial police organizations, as well as those operating in Gilgit-Baltistan and Azad Jammu and Kashmir. For details, see Hassan Abbas, "Reforming Pakistan's Police and Law Enforcement Infrastructure: Is It Too Flawed to Fix?" Special Report no. 226, United States Institute of Peace, February 2011, accessed May 30, 2012, <http://www.usip.org/files/resources/sr266.pdf>.

more than 1,700 agencies with special law enforcement jurisdiction. In addition, the federal government employs more than 105,000 full-time law enforcement personnel in 65 agencies such as the Federal Bureau of Investigation (FBI), Secret Service, and various military criminal investigative organizations.<sup>3</sup> Today, many of these federal, state, and local agencies are world-renowned law enforcement bodies that effectively address complex crime problems and enjoy the trust and support of their communities. Law enforcement in the United States did not always function as it does now, however.

### **Corruption and Abuse of Power**

For decades prior to the turn of the twentieth century, police departments in the United States were inextricably intertwined with politics and the political establishment. In this “political era” of policing, party leaders and elected officials controlled police resources and often used the police to extend their power and influence. Police officers were hired based on their connections or political affiliations rather than merit. Promotions were granted based on loyalty rather than achievement. Police officers engaged in direct political activity by encouraging citizens to vote for preferred candidates and intimidating them into not voting for others. In short, policing and politics were viewed as one and the same.

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**For decades prior to the turn of the twentieth century, police departments in the United States were inextricably intertwined with politics.**

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During this era, policing was focused on maintaining order and protecting those communities most closely affiliated with the political leadership. Police officers developed close-knit relationships with the residents of these communities and often lived in the neighborhoods they patrolled. These close relationships created an environment that was conducive to preferential treatment, bribery, and other forms of corruption. Although police salaries were low, the force attracted individuals who were willing to supplement their incomes through graft and other illegal activity. These individuals were able to do so while maintaining close connections with, and perceived legitimacy through, the political establishment.

The corruption and abuse of police organizations during the political era prompted several reform movements from the 1920s to the 1970s. Many reformers believed that policing had to be “professionalized” by raising eligibility standards, implementing merit-based hiring, providing advanced training, paying higher wages, and, most importantly, seeking autonomy from political influences. Thus, political leaders could no longer hire and fire police officers, and officers were restricted from engaging in political activities. In addition, law enforcement agencies developed military-style organizations that promoted discipline, uniformity, and autonomy from political leaders. Organizations began utilizing technological advances in the form of patrol cars, radio communications, and improved forensic capabilities. As a result, police officers no longer walked through neighborhoods, instead responding quickly to emergency calls in vehicles. Close-knit ties to the community were severed, and the police maintained a professional distance from those they served.

### **Improved Skills and Expertise**

The professionalization of policing during the reform era significantly reduced corruption and created local and state police forces with better skills and expertise to fight crime. These forces were then able

<sup>2</sup> Brian A. Reaves, “Census of State and Local Law Enforcement Agencies, 2008,” U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Report no. NCJ 233982, July 2011, accessed May 30, 2012, <http://bjs.ojp.usdoj.gov/content/pub/pdf/cs1lea08.pdf>.

<sup>3</sup> Brian A. Reaves, “Federal Law Enforcement Officers, 2004,” Bureau of Justice Statistics Bulletin, no. NCJ 212750 (July 2006): 1–2, accessed May 30, 2012, <http://bjs.ojp.usdoj.gov/content/pub/pdf/fleo04.pdf>.

to implement cutting-edge innovations in technology and to redesign their organizational structures to promote consistency and stronger supervision. Federal law enforcement agencies also promoted these reforms—most notably the FBI under the leadership of Director J. Edgar Hoover. Hoover helped foster the FBI's image as a national agency that utilized advanced forensic techniques, such as the matching of fingerprints, to arrest criminals. Although there were many documented abuses by the organization during this time, by and large, the FBI emerged as an elite, professional investigative agency capable of promoting the safety and security of the nation. In the years that followed, law enforcement in the United States was reformed to become a reputable profession that garnered significantly more respect and support from local communities.

### **Community-Focused Reform**

At the same time, the professionalization of law enforcement had negative effects. For example, the emphasis on uniformity and discipline in some cases stifled the innovation and creativity needed to deal with evolving crime problems at the local level. The emphasis on science and technology came at the expense of an appreciation of the social dynamics of groups and an understanding of human interaction. Most significantly, the separation of police from the communities they served often resulted in a dichotomous relationship of “us versus them.” The police saw themselves as the “thin blue line” between good and evil and often used aggressive military-style tactics in high-crime areas. This approach alienated minority communities that experienced higher levels of crime, typically located in poorer urban neighborhoods. Police often clashed with these communities in misguided attempts to reduce crime, and officers sometimes used inappropriate and abusive tactics. Growing resentment contributed to racial tensions that erupted in urban riots throughout the 1960s and 1970s. This tension continued during the aggressive policing of the drug war in the 1980s and early 1990s and once again surfaced during the Los Angeles riots of 1992.

In the wake of the racial tensions of the 1960s and 1970s, police reform shifted away from the military-style policing model adopted during the reform era and began to involve strategies that promoted closer ties with marginalized communities. Strategies of community-oriented policing framed the community as a potential partner rather than a potential problem. Police enlisted the community's help in identifying crime problems, developing solutions, and assisting in crime prevention. In addition to the expertise of police professionals, community input and involvement were utilized to develop programs and strategies to address unique local crime problems. This approach resulted in much stronger community support and a higher likelihood that citizens would come forward to report crimes and provide information to assist the police. Its success in cities such as Los Angeles and New York has made it the prevailing model of policing in the United States today.

### **Insights from the U.S. Experience**

The evolution of policing in the United States provides important insights for those seeking to improve Pakistan's police and law enforcement service. First, traditional police reforms (e.g., higher pay, more stringent eligibility requirements, better training, and proper equipment) have proven effective in reducing corruption. The United States has learned over time that police officers are much more susceptible to bribes and other forms of financial corruption when they do not receive adequate pay and are not given the resources they need to perform their policing functions. Also, poor training and the ease with which unscrupulous individuals can enter the police force because of minimal hiring standards create an environment that is conducive to corruption and abuse.

Police officers in the United States now earn adequate salaries, and their backgrounds are thoroughly investigated before they are hired. State and federal agencies require officers to meet minimum training standards and to participate in ongoing training to maintain their policing skills and capabilities. In conjunction with stronger oversight and higher accountability, these traditional reforms have contributed to lower levels of corruption, better capabilities to address violent crime, and higher-quality personnel.

Second, the professionalization of policing was an important factor in reducing corruption and increasing the effectiveness of the police throughout the United States. Law enforcement bodies developed much-needed expertise, developed credibility with communities as crime fighters, and became respected institutions. Of course, the professionalization strategy had its limitations. The reform era emphasized autonomy from the political leadership and distance between the police and the communities within their jurisdiction. The separation from local communities engendered an environment of distrust and resentment that alienated minority groups. Just as the close relationship between police and local communities during the political era was problematic, the failure of the police to develop professional, collaborative relationships with communities resulted in deep-rooted tensions and, in some cases, violent responses.

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**Strategies of community-oriented policing framed the community as a potential partner rather than a potential problem.**

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Finally, community support is an essential factor in a police department's ability to obtain legitimacy and reduce crime. Without the support of local communities in Pakistan, the police will continue to be viewed as illegitimate and corrupt. They will also continue to struggle to prevent crime and investigate offenses. Developing collaborative partnerships with communities enables creative problem solving and helps to secure additional resources to tackle complex social problems. Most law enforcement agencies, especially local police in Pakistan, cannot afford to operate without the contributions of community members. Law enforcement, even with the extensive expertise of American agencies, does not have a monopoly on creative ideas for solving local crime problems.

The United States' success with police reform was the product of experimentation, serious research, and constant study. Significant resources have been dedicated to rigorous academic research and evaluation. For example, the U.S. Department of Justice and other government institutions conduct comprehensive research and statistical analyses of crime and policing. They provide this research to police agencies and other researchers to evaluate law enforcement strategies and develop innovative reforms. In addition, the federal government provides funding to major universities to study reforms and conduct research of policing methods as the dynamics of society and crime continue to evolve.<sup>4</sup>

## Recommendations

Pakistani citizens deserve law enforcement bodies that are capable of reducing violence and preventing crime. Based on the U.S. experience, the following recommendations are put forth for achieving substantial police reform in Pakistan:

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<sup>4</sup> The U.S. Department of Justice's Office of Justice Programs provides funding for research and implementation of innovative strategies to prevent crime and improve the criminal justice system; see <http://www.ojp.usdoj.gov/about/about.htm>. For fiscal year 2010 (October 1, 2009–September 30, 2010), the Justice Department provided \$290 million in funding for research, standards development, and training in a variety of law enforcement and crime prevention areas. See <http://www.nij.gov/nij/about/financials.htm#allocationoffunds> (accessed May 30, 2012).

- Police and law enforcement agencies must work to build organizations that prioritize sound police work, professionalism, and community support.
- Stringent eligibility requirements, merit-based hiring, advanced training, sufficient equipment, and adequate pay should be introduced. Pakistan must invest in these traditional police reforms, as they are needed to develop the capability and credibility to fight crime.
- The police must be apolitical, not an extension of the political establishment. In conjunction with this, the police must provide services equally to all segments of the community, and not simply at the instruction of the politically powerful. This can be achieved if the police and policy makers create governance structures that remove policing from political influence.
- The police must remain engaged with the communities they serve and work collaboratively to solve crime problems. This engagement, however, requires clear rules.
- Police strategies must constantly evolve. Resources should be dedicated to rigorous research and evaluation in order to determine the effectiveness of various crime-fighting approaches.

# Lessons from South Asia

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*Hassan Abbas and Yasser Kureshi*

In recent decades, governments throughout South Asia have established committees and commissions to seriously consider police reform. Beyond discussion and proposals, however, little has been done in practice to improve police performance. In most cases, South Asian states have retained archaic colonial policing laws designed to ensure strong, autonomous executive control over the population, with minimal oversight by the other branches of government and, especially, by the people. The consequent problem of political manipulation has left South Asian police forces corrupt and unaccountable. The result is clear, as former senior Indian police officer V. Balachandran wrote of India: “Even in 2012, the Indian police is accountable only . . . to the Home Secretary and Home Minister, who have swapped places with their colonial masters.”<sup>1</sup>

## India: The Idea of Judicial Oversight

In India, the primary impetus for police reform came from judicial action. In 1977, the National Police Commission was tasked with producing a report on police issues and proposing reforms. According to a report from the Commonwealth Human Rights Initiative (CHRI), after dozens of recommendations and the development of a “model police act,” no action was taken for decades. In 1996, two former directors general of the police filed a case in the Supreme Court of India asking the Court to direct state governments to implement the recommendations. The Court took action and, after a 10-year period that saw several more unimplemented reform proposals, ordered that police reform based on seven directives must take place immediately and that state governments must comply with the directives.<sup>2</sup>

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**Political manipulation has left South Asian police forces corrupt and unaccountable.**

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The Supreme Court established a monitoring committee in 2008 to examine state-by-state compliance and to report back to the Court. Seven directives were laid out. The first directed each state government to establish a State Security Commission to ensure that state governments were not excessively manipulating the police and to evaluate state police performance. Another set of directives called for a transparent, merit-based appointment process for senior officials and a secure two-year tenure without transfers for officials, as quick transfers have been a major source of political interference and manipulation. To safeguard against political manipulation, the Court called on the police to form a Police Establishment Board that would have internal control over the posting, promotion, and transfer process. The Court also directed state governments to establish police complaints authorities at the state level to look into public complaints

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<sup>1</sup> V. Balachandran, “Police Should Be Freed from Politicians,” *Sunday Guardian* (India), April 8, 2012, accessed May 30, 2012, <http://www.sunday-guardian.com/analysis/police-should-be-freed-from-politicians>.

<sup>2</sup> Commonwealth Human Rights Initiative, “Seven Steps to Police Reform,” September 2010, accessed May 30, 2012, [http://www.humanrightsinitiative.org/programs/aj/police/india/initiatives/seven\\_steps\\_to\\_police\\_reform.pdf](http://www.humanrightsinitiative.org/programs/aj/police/india/initiatives/seven_steps_to_police_reform.pdf).



against police officers as a way of improving accountability and oversight of police activity. This aggressive judicial oversight has had limited results, as only a few states have made efforts to even partially comply with some of the directives. Several states have asked the Court to review its decision or have enacted laws that, while claiming to promote reform, have largely kept the same flawed apparatus in place.

A primary reason for the lack of compliance at the state level in India is that the federal government itself has not taken meaningful action to comply with the Court's directives. As of 2011, the directives still had not been implemented in regions directly run by the federal government.<sup>3</sup> In Delhi, a police complaints authority had not been established, and the Delhi Police Act ignored the accountability guidelines. Devyani Srivastava of the CHRI aptly argued that India's central government must initiate police reforms—if the federal government-controlled region does not take police reform seriously, there will be even less political will in the states to comply with the Court's directives.

The failure of the superior judiciary's efforts to push police reform is attributable to a lack of political will. At the same time, in emphasizing the need for police reforms, Prime Minister Manmohan Singh indicated in an April 2012 speech on internal security that India's political leadership is increasingly recognizing the significance of the issue.<sup>4</sup>

### **Kerala and Goa: How to Make Police More Accountable**

The Indian state of Kerala has made some progress in complying with the Supreme Court's police reform directives. Kerala first placed all decisions regarding appointments, transfers, posting, and promotions in the hands of the police leadership.<sup>5</sup> This made the police institutionally autonomous and immune from

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**A primary reason for the lack of compliance at the state level in India is that the federal government itself has not taken meaningful action to comply with the Court's directives.**

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manipulation by politicians. However, corruption remained high, as the police, though less vulnerable to political pressure, still remained effectively unaccountable to the public. Therefore, the Kerala government established the Police Performance and Accountability Commission to evaluate the performance of the police and to make recommendations for improvement. Although the Commission's mandate was limited—it could not supervise the investigation of individual cases or complaints and had a limited tenure—it marked a

significant step toward improving the police system. Another problem with the reforms was that they were not initially given any statutory backing, creating the possibility that they could easily be reversed when the government changed hands. Statutory backing for reforms is important to ensure their institutionalization.

Kerala has done relatively well in the area of police reform, having made a concerted attempt to construct a more professionalized and accountable police force. The state has put several police reform acts in place in recent years. Most recently, in 2010, the Kerala government significantly increased the salaries of police personnel.<sup>6</sup> Further, it improved the technology available to police officers. For example, up

<sup>3</sup> Devyani Srivastava, "Centre Must Take Lead in Police Reforms," *Rediff News* (India), February 24, 2011, accessed May 30, 2012, <http://www.rediff.com/news/column/why-india-needs-police-reforms/20110224.htm>.

<sup>4</sup> Prime Minister Manmohan Singh, "PM's Speech at the Conference of CMs on Internal Security," April 16, 2012, accessed May 30, 2012, <http://pmindia.gov.in/speech-details.php?nodeid=1165>.

<sup>5</sup> G. P. Joshi, "The Kerala Police—Two Recent Developments," Commonwealth Human Rights Initiative, accessed May 30, 2012, [http://www.humanrightsinitiative.org/programs/aj/police/india/initiatives/state\\_govt/kerala\\_police\\_developments.pdf](http://www.humanrightsinitiative.org/programs/aj/police/india/initiatives/state_govt/kerala_police_developments.pdf).

<sup>6</sup> "Police Reforms Bill in Next Assembly Session," *The Hindu* (India), December 19, 2010, accessed May 30, 2012, <http://www.thehindu.com/news/states/kerala/article963386.ece>.

to 20,000 police personnel in Kerala—almost half of the state’s police force—were provided with mobile phones.<sup>7</sup>

Goa was one of several states to establish a police complaints authority in accordance with the Supreme Court’s orders. Made up of former judges, the authority is empowered to investigate complaints of police misconduct and to recommend departmental action or criminal proceedings against delinquent police officers. Its recommendations are binding on the state government. In its evaluation of the authority, the CHRI agreed that it had set a positive precedent for compelling police cooperation with complaints authorities.<sup>8</sup> However, the CHRI also remained concerned that the authority was not recommending serious action against officers involved in misconduct or ensuring that complainants appeared at hearings. The CHRI stated that if the authority took only mild action, the police would not consider it a serious check.

### **Training Police and Managing Workload**

Reforms have also been directed at professionalizing the police by providing it with better training and making its workload more manageable. In the Indian state of Rajasthan, the Poverty Action Lab of the Massachusetts Institute of Technology joined with the state police to conduct such interventions. The training program had two modules: (1) training investigation officers in improved investigation procedures, such as field techniques, evidence collection, and documentation, and (2) training police personnel of all ranks in mediation, stress management, and other “soft skills.” In its evaluation of the effort, the Poverty Action Lab judged that improved training improves police effectiveness and the public image of the police. The evaluators found that the training program was “easy to implement, popular with the constables and effective.”<sup>9</sup>

Additionally, to make the workload more manageable, police stations were to provide staff with a day off each week. Some provided a rotating day off and others a regularly scheduled day off. This intervention proved difficult to sustain, however; although the weekly day off existed on paper, in practice, senior officials reverted to depriving police personnel of their time off.<sup>10</sup> Given the low ratio of police to population in South Asian countries until the number of police at stations is increased, it is hard to imagine that a day off policy could be successfully implemented.

### **Improving Counterterrorism by Establishing New Institutions**

Governments in South Asia have been striving to improve the police’s ability to tackle terrorist activity in the region. Given that terrorists tend to move across state boundaries, and even across national boundaries, governments are concerned about improving counterterrorism coordination on a national scale. In the wake of the Mumbai terrorist attacks of 2008, the Indian government created the National Counter Terrorism Centre (NCTC), similar to the body of the same name in the United States, to coordinate antiterrorism efforts across the country.

The purpose of the NCTC is to improve intelligence gathering and sharing on terrorism, to bring together intelligence across relevant databases for dissemination to federal and state government departments, and

<sup>7</sup> Ibid.

<sup>8</sup> Commonwealth Human Rights Initiative, “Goa State Police Complaints Authority: Analysing Accountability in Action,” 2010, 35, accessed May 30, 2012, [http://www.humanrightsinitiative.org/publications/police/goa\\_police\\_complaints\\_authority.pdf](http://www.humanrightsinitiative.org/publications/police/goa_police_complaints_authority.pdf).

<sup>9</sup> Abhijit Banerjee, Esther Duflo, Daniel Keniston, and Nina Singh, “Making Police Reform Real: The Rajasthan Experiment,” September 30, 2011, 30, accessed May 30, 2012, <http://keniston.commons.yale.edu/files/uploads/EPW-Final-Article-on-Police-Reforms-30Sept11.pdf>.

<sup>10</sup> Ibid., 27.

to improve coordination between intelligence-gathering and police operations.<sup>11</sup> Not only will the NCTC carry out coordination and intelligence gathering, but it has also been granted powers to investigate and arrest. While this wide-ranging role has raised concerns about federal overreach into areas belonging primarily to the states, it is argued that federal authorities are better equipped to take on such tasks. There is some concern that the NCTC will fall under the Intelligence Bureau, India's federal intelligence agency, which has no parliamentary oversight.<sup>12</sup> Under the Intelligence Bureau, the NCTC would have no real transparency or oversight from the legislature and so would amount to further consolidation of executive control over policing activity.

### Is Sri Lanka Any Different from the Rest of South Asia?

Police reform in Sri Lanka has been made especially difficult over the last three decades by internal conflict with the Liberation Tigers of Tamil Eelam. The war dominated the priorities of the government and the armed services. As a result, rather than being used as an independent law and order organization, the police became subordinate to the military agenda of fighting the Tamil rebel group. The line between policing and military activity often became blurred, and determining what was acceptable police behavior and holding the police to a standard of conduct became difficult. Sri Lanka's police allegedly became involved in committing abductions, for instance, and the police's Special Task Force (STF) for counterinsurgency became notorious for human rights violations. Despite well-documented allegations of abuse, STF members have managed to avoid accountability for their actions.<sup>13</sup> The use of the police as a military force thus made the police both more brutal and less accountable.

In 2001, there was a serious attempt to free the police from political pressure and to reform the appointment, transfer, promotion, and disciplinary processes. The independent National Police Commission (NPC) was established and assumed all of these powers. The Commission was also given wide authority to determine training and recruitment, as well as to establish codes of conduct for the police service. To make the NPC immune to politics, it was to be composed of seven civilians who did not hold political office; if members chose to take on any other office, they would be forced to leave the NPC.<sup>14</sup> Members were also given fixed three-year tenures to ensure that their offices were not vulnerable to politics. Interference with the functioning of the Commission was made an offense.

The Commission had its flaws (its head was still politically appointed), but it was still a step in the right direction to check "political interference in police functioning."<sup>15</sup> In 2002, the NPC rejected the politically motivated transfer orders of 60 officials.<sup>16</sup> Later, however, the government subverted its own reforms. In 2006, the NPC was reconstituted with presidential appointees, and the new Commission did little to stop a spate of politicized transfers of police officers who had "offended powerful figures through their strict enforcement of the law."<sup>17</sup> The reform process in Sri Lanka thus took a step backward.

<sup>11</sup> P. R. Chari, "National Counter Terrorism Centre for India: Understanding the Debate," Issue Brief no. 181, Institute of Peace and Conflict Studies, March 2012, 2, accessed May 30, 2012, [http://www.ipcs.org/pdf\\_file/issue/IB181-Chari-NCTC.pdf](http://www.ipcs.org/pdf_file/issue/IB181-Chari-NCTC.pdf).

<sup>12</sup> V. Balachandran, "Chidambaram's NCTC Is Shadowy, Lacks Legal Basis," *Sunday Guardian* (India), accessed May 30, 2012, <http://www.sunday-guardian.com/analysis/chidambarams-nctc-is-shadowy-lacks-legal-basis>.

<sup>13</sup> Sumant Balakrishnan, "The Network for Improved Policing in South Asia: Possibilities of Engagement in Sri Lanka," *Law and Society Trust Review*, vol. 20, iss. 271, 6.

<sup>14</sup> Balakrishnan, "The Network for Improved Policing in South Asia," 17.

<sup>15</sup> Commonwealth Human Rights Initiative, "Feudal Forces," 46.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*, 47.

## Bangladesh: Can International Donors Make a Difference?

In Bangladesh, international donors attempted to provide solutions for the lack of domestic political will through the Police Reform Program (PRP), which was organized and funded by the United Nations Development Programme and other international donor organizations.<sup>18</sup>

Although international donors may be more willing to push difficult reforms, foreign intervention can create its own set of problems. Foreign donors often hire unqualified staff to fill gaps, for instance, and locals perceive cultural biases among foreigners working in the area. In Bangladesh, this has also resulted in the inability to prioritize policing problems. For example, a former inspector general pointed out that the international community prioritized financial allocations for combating cybercrime, which certainly was not a priority in Bangladesh.<sup>19</sup> Moreover, because the PRP was a product of foreign donors instead of local actors, its measures were more easily reversible. Without domestic political backing, any reforms will be temporary at best, lasting only as long as the tenure of a cooperative inspector general.

Beyond ending political interference and increasing police accountability, reform efforts have improved policing in other ways. In Bangladesh, the PRP worked to improve relations between the police and the public by establishing community-based policing. The PRP established community policing forums (CPF) around the country to facilitate consultation between communities and police on ways to improve security and solve local problems.

The CPFs include police officers and community representatives from all walks of life. The expectation is that the forums will create a more “accessible, accountable, and effective police service.”<sup>20</sup> The International Crisis Group reports that the forums have been successful in increasing public confidence in the police and cooperation with the police. However, because 20,000 forums were rolled out in such a hurry, initially there was no clear understanding of the objectives of the CPFs.<sup>21</sup> Further, the CPFs have proven vulnerable to corruption, as they can create “small-time elites” with whom the police interact, as opposed to a situation in which the police work directly with the community. In some cities, the CPFs have become a place for the ruling party to abuse opposing parties. Further, the CPFs often end up consuming the time and resources of already overburdened and underresourced police that should be dedicated to other policing responsibilities. These CPFs, while promising, do not represent a significant improvement unless resources and manpower at police stations are improved.

Another component of the PRP’s initiative to professionalize the police in Bangladesh has been the establishment of model *thanas*, a select number of police stations (*thanas*) that have been refurbished and upgraded or newly constructed. These stations are equipped with modern facilities and supported with better trained professionals. The model *thanas* are equipped with improved technology, trained staff, and more professional strategies for dealing with different kinds of crimes. A survey conducted by the United Nations Development Programme suggests that victims are twice as likely to report a crime at a model *thana* as opposed to a regular police station.<sup>22</sup> Further, there has been a marked decrease in corruption and external interference in police affairs at model *thanas*, unlike at regular stations.

<sup>18</sup> International Crisis Group, “Bangladesh: Getting Police Reform on Track,” Asia Report no. 182, December 11, 2009, 19, accessed May 30, 2012, [http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/182%20Bangladesh%20Getting%20Police%20Reform%20on%20Track.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia/bangladesh/182%20Bangladesh%20Getting%20Police%20Reform%20on%20Track.pdf).

<sup>19</sup> *Ibid.*, 20.

<sup>20</sup> *Ibid.*, 22.

<sup>21</sup> *Ibid.*, 21.

<sup>22</sup> United Nations Development Programme Bangladesh, “Project Factsheet: Police Reform Programme Phase 2,” accessed May 30, 2012, <http://www.undp.org.bd/projects/prodocs/PRP/FINAL%20PRP%20factsheet%20Mar%202011.pdf>.

## Recommendations

There is a region-wide recognition that reforming and professionalizing the police system is an urgent task. A few smaller, less politicized efforts involving training and community policing have been broadly successful and sustained in India, Bangladesh, and, to a lesser extent, Sri Lanka. Looking to other South Asian experiences, The following should be considered by policy makers in Pakistan:

- Cooperation and collaboration between judicial and political institutions (and offices) is critical to push for police reforms.
- Public accountability of the police must be institutionalized.
- Besides better training, the police-to-population ratio must be improved to ensure better police coverage and accessibility.
- Police reform efforts must be sustained in order to have a real impact.
- Better coordination between international donors and local law enforcement stakeholders is crucial for better results.

# Models for Reform: Indonesia and Turkey

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*Nida Naqvi*

**P**akistan is not alone in its struggle to reform its weak police system. Many other countries suffer from a similar national deficiency. This chapter will look at Indonesia and Turkey, two countries that have taken a modern, pragmatic approach to reforming their police systems.

Both the Turkish and Indonesian reform programs are modeled on the idea of democratic governance of police, a popular concept in many Western democracies. Democratic police governance entails civilian oversight over police agencies as a way of ensuring accountability. The process goes beyond merely ensuring accountability, however; it plants the seeds of a progressive, reform-minded, and democratic culture within the police that can fundamentally change both internal police functionality and public perceptions. These two consequences are particularly important for Pakistan, which is in need of changes in police culture and increased public confidence in order to successfully reform its police system.

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**Democratic police governance goes beyond merely ensuring accountability; it plants the seeds of a progressive, reform-minded, and democratic culture within the police.**

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Under a democratic police governance system, institutions exert influence and operate in two major forms: (1) oversight associated with the executive authority and (2) oversight associated with society, that is, through independent oversight bodies, the public, the media, and nongovernmental organizations (NGOs). The concept of “community policing” is an essential element of the democratic police governance system under the latter form of oversight.

In a democratic police governance system, the executive civilian body has authority over four key components of police administration. First, it regulates, defining the policies and regulatory framework that govern the police. This practice delineates the parameters within which the organization should operate. Second, it plays a role in strategic planning, prescribing objectives for the police. This ensures that the police organization is progressively goal oriented. Third, it exercises performance control functions, creating a system to monitor regulations and strategic planning objectives already put in place. Some modern systems employ “key performance indicators” for this process, a tool borrowed from the corporate world. Finally, it manages senior human resources, as human capital is the real machinery that puts all of these components into place.<sup>1</sup> In the United Kingdom, which has a model democratic governance structure, the executive civilian authority brings in expertise to guide regulation through dedicated research centers (e.g., the National Performance Improvement Agency) and public opinion through the use of public consultation practices.

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<sup>1</sup> The roles of the executive civilian authority listed here are based on a report by Dominique Wisler and Sebastian Roche, “A Short Introduction: Democratic Governance of Policing,” COGINTA, October 17, 2011, accessed May 30, 2012, <http://coginta.com/pdf/DemocraticGovernanceOfPolice.pdf>.

Societal oversight refers to oversight by actors that operate outside the executive sphere. It encompasses three types of mechanisms: (1) the parliament and the judiciary, (2) independent oversight bodies, and (3) the public. The parliament and the judiciary are the traditional arbiters of regulation, while oversight by independent bodies and the public is a relatively recent phenomenon. The most important independent oversight bodies are independent police complaints commissions. These agencies provide supervisory and investigative capacity to address complaints against the police.

Public oversight involves a multitude of actors. On a formal level, local security forums can exist. In France, these forums, called local security councils, have a legal obligation to consult the public when creating local security plans.<sup>2</sup> On an informal level, the public conducts oversight through the media and NGOs dedicated to police monitoring.

Also worth mentioning are community policing programs—that is, public police forums in which the community can deliver its views to the police administration. They provide a form of societal oversight that allows the community to feel actively engaged in the police system. The partnership is the most stable, sustainable method of maintaining public satisfaction with the police; it is a must for any democratic system.<sup>3</sup> In a healthy civil society, all of these societal oversight mechanisms act as “soft power” to encourage appropriate police behavior.

### Indonesia’s Police Reform Program

Over the last 13 years, Indonesia has transformed its police system from a paramilitary organization focused on social control and repression to a civilian organization that incorporates key elements of democratic policing. While the reform program still faces obstacles, it nonetheless provides an example of how a police reform agenda can transform society when it is backed by political will and executed with a long-term strategy.

Initial reforms in Indonesia addressed the structural, ethical, and cultural aspects of the police force.<sup>4</sup> The entire organization was removed from the military and placed under civilian control. A fresh code of conduct was written to reflect the new civilian mission of the police. Steps were taken to change the police culture from one oriented toward social control and domination to one rooted in the idea of public service. These preliminary steps laid the foundation for more democratic reforms that are still being implemented today.

Reform measures over the past decade appear to have had a significant impact. In a 2007 Gallup poll, 81 percent of Indonesians said that they had confidence in the local police and nearly 9 in 10 (89 percent) Indonesians said that they felt safe walking alone at night.

### Civilian Oversight

In the case of Indonesia, oversight capacity was established at both the executive and societal levels. On the formal, executive level, the institutional actors involved include Parliament, the Ministry of Finance, and the Bureau of Auditing. Parliament exercises political control, while the Bureau of Auditing exercises budgetary control by monitoring police expenditures, not only in a regulatory capacity but also to help the

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<sup>2</sup> Dominique Wisler and Sebastian Roche, “A Short Introduction: Democratic Governance of Policing.”

<sup>3</sup> Ibrahim Cerrah, “Police Reform in the OSCE and Direction of Change in Policing,” paper presented at the Annual Security Review Conference, Vienna, June 14–16, 2010, 5, accessed May 30, 2012, <http://www.osce.org/cio/68488>.

<sup>4</sup> Adrianus E. Meliala, “Police Reform: The Indonesian Context,” report from the Asian Development Bank Symposium on Challenges in Implementing Access to Justice Reforms, January 26–28, 2005, ed. Kamal Ahmad et al., 36–37, accessed May 30, 2012, <http://www.asianlii.org/asia/other/ADBLPRes/2005/2.pdf>.

force manage resources and prevent abuse.<sup>5</sup> On the informal, societal level, the press, NGOs, the private sector, and students flex significant soft power over the police. These actors—particularly students—act as whistle-blowers for police misconduct and ensure that police behavior is kept on the media’s radar.

Further, the police force has drafted new laws, codes of conduct, budgetary systems, internal control mechanisms, and modes of action (particularly pertaining to the handling of riots). In a progressive move, for procedures dealing with internal investigations, the force adopted universal standards rooted in international human rights law.

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**Initial reforms in Indonesia addressed the structural, ethical, and cultural aspects of the police force.**

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The Indonesian reform program has also taken preliminary steps in the area of community policing. The Partnership for Governance Reform and the United Nations Development Programme have promoted the idea of a “partnership model” that espouses a police–public partnership so that there is less public resistance to action by the police.<sup>6</sup>

### **Widespread Support for Reform**

Support from politicians, society, the police force itself, and the international community underpin the success of Indonesia’s reform program thus far. The president and Parliament are deeply committed to the idea of reform, as is reflected in an increase in the police budget of 300 percent to 400 percent over the past decade.<sup>7</sup> This budgetary allocation finances the reform effort and, perhaps more significantly, sends a message to the police that they are a priority, serving as a morale booster for the force. Political will is critical to any police reform program. Policies alone do little; they require increased spending and supportive legislation to materialize.

External societal pressure adds to the strength of the program. In Indonesia, the international community has played a significant role, providing access to consultants and advisors who advise on the international best practices in policing. While it is argued that the focus of international aid is biased in favor of donor countries’ interests, the aid—particularly from the United States—has nonetheless made a significant impact on the quality of police reform.<sup>8</sup>

### **Leadership From Within the Police Force**

Indonesia’s police organization has exhibited strong leadership throughout the reform process, as many police chiefs are pro-reform, something that has had a trickle-down effect among the cadres of various police departments.

In a novel move, Indonesia has spearheaded a police-centered approach to de-radicalizing captured terrorists. The approach is more ad hoc than institutional, but the government is claiming results. Detachment 88, the elite counterterrorism unit within the Indonesian National Police, has—with cooperation from former members of terrorist networks—engaged in personal de-radicalization efforts with captured terrorists. These efforts have used Islam to reeducate terrorists, attempting to realign the captives’ extremist,

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<sup>5</sup> Adrianus E. Meliala, “Police Reform: The Indonesian Context,” 38.

<sup>6</sup> *Ibid.*, 38.

<sup>7</sup> *Ibid.*, 37.

<sup>8</sup> For details, see Iwama, Yoko, “International Donors and the Reform of Indonesian National Police,” Discussion Paper 10-05, Prepared for the GRIPS State-Building Workshop 2010: Organizing Police Forces in Post-Conflict Peace-Support Operations, January 27-28th, 2010, 1-9, accessed June 5, 2012, <http://www3.grips.ac.jp/~pinc/data/10-05.pdf>.



violent interpretation of Islam with the religion's moderate and peaceful message. Zachary Abuza, an expert on Jemaah Islamiyah (JI), one of Indonesia's main terrorist groups, attributed much of Detachment 88's success to the religiosity of its leadership.<sup>9</sup> Personal, face-to-face engagement by reformed JI leaders such as Mohammed Nasir Bin Abbas and logistical and financial support in return for cooperation have contributed to the program's success.<sup>10</sup>

### Turkey's Police Reform Program

Turkey, like Indonesia, has aimed to democratize the country's police system. In Turkey's case, the desire to obtain European Union (EU) membership acted as the catalyst for police reform. To this end, Europe has become a key partner. The EU has contributed to and assisted with institution building in the public sector, and EU strategies were formulated and implemented through the European Commission's delegation to Turkey in Ankara.<sup>11</sup> While the quality of European involvement is subject to debate, the partnership has contributed to a well-planned and well-resourced police reform program rooted in the mantra of democratic reform.

Turkey has a twofold police structure in which military and civilian police forces share power. The civilian police force has jurisdiction over urban areas, while the gendarmerie (military force) has authority over rural areas. This structure is problematic on the administrative, cultural, and political levels, but recent reforms have been positive. The reform measures have focused on three key areas of democratic governance: (1) professionalizing the police force, (2) building accountability, and (3) enhancing transparency.<sup>12</sup>

#### Professionalization of the Police Force

Turkey has made great strides in professionalizing its police force through the creation of programs that increase the quality of police training. These programs are supported by "twinning" programs with police organizations in the EU, in which Turkish police train under and work with professionally run police organizations to learn firsthand the types of practices followed by efficient police organizations.

For instance, the process for statement taking has been completely revamped. Existing statement-taking methods of the Turkish National Police (TNP) were assessed and then improved in light of fundamental precepts for the rule of law and human rights. Police staff were trained and equipped to properly take statements and, most significantly, to utilize evidence collected during investigations in a productive way during statement taking. Further, a Joint Working Group was established for the important task of fostering cooperation among the police, prosecutors, and lawyers. This holistic, comprehensive approach dramatically increased the capacity of the TNP to effectively take statements from suspects and to use those statements productively in court.

The professionalization of Turkey's police force has created tangible results. The Istanbul police are widely recognized in the country for both their focus on counterterrorism and its successes in the field. Its success

<sup>9</sup> John Horgan and Kurt Braddock, "Rehabilitating the Terrorists? Challenges in Assessing the Effectiveness of De-Radicalization Programs," *Terrorism and Political Violence*, vol. 22 (2010): 273.

<sup>10</sup> *Ibid.*, 273–74.

<sup>11</sup> Gemma Collantes Celador, Eduard Solar i Lecha, Stuart Reigeluth, Volkan Aytar, and Mehmet Arican, "Fostering an EU Strategy for Security Sector Reform in the Mediterranean: Learning from Turkish and Palestinian Police Reform Experiences," Paper no. 66, Euromesco, January 2008, 7–14, accessed May 30, 2012, <http://www.euromesco.net/euromesco/images/66eng.pdf>.

<sup>12</sup> Celador et al., "Fostering an EU Strategy," 11.

is directly linked to the Turkish political leadership's concerted effort against terrorism following a spate of terrorist attacks in Istanbul in recent years—a phenomenon that has seriously affected tourism in the historic city.<sup>13</sup>

### **Human Resource Management**

Internal human resource management of Turkey's police has also been reconfigured so that it follows a modern, democratic approach. Programs have been developed for pre-service, in-service, and management of human resources development and training for the TNP in line with current EU practices. Proposals for a new personnel system, including appraisal, promotion, and appointment, have also been endorsed and installed. These changes have helped to boost morale within the police force, as officers can now envision much clearer opportunities for career advancement.

An additional factor that bolsters the professionalism of the TNP is the rising number of commissioners and officers receiving master's and doctoral degrees in Pakistan and abroad. As a result of this development, a younger, reformist wing has emerged within the police that has been the engine keeping the reform movement alive, circumscribing efforts by the conservative establishment to maintain the status quo. This reformist wing is supported by an active civil society that demands a more professional police service.

### **Civilian Oversight**

To strengthen accountability and transparency, Turkey has pursued a democratic governance model of civilian oversight—a fundamental change for the country. Previously, the approach was disorganized and heavily focused on bureaucratic management. Now, with key legislative changes, the Ministry of Interior and public administrators can oversee the law enforcement system using an organized, human-centered approach. These changes are buttressed by granting administrators access to both the conceptual and institutional resources needed to execute their jobs.

Parliament's standing committees on Internal Affairs and Planning Budget Commissions have supported reforms by establishing a working framework of cooperation with the Ministry of Interior and the Grand National Assembly. As a result, civil society and the media now have institutional outlets to look to when evaluating police performance.

Furthermore, Turkey has established independent police complaints commissions, which are a critical factor for bolstering public confidence in the police. Healthy internal oversight capacity within the government naturally has led to strong external oversight capacity through the media and civil society.

### **Significance of the Gulen Movement**

There is a view in the street that the "Gulen movement" has also played a significant role in furthering police reform throughout Turkey. Fethullah Gulen leads one of the most influential Islamic movements in the world, with millions of followers in schools throughout 140 countries. He advocates tolerance, peace, and interfaith dialogue, drawing on the traditions of *sufism*, a mystical strain of Islam with an emphasis on moral purity and spirituality. Gulen's movement is believed to have instilled a sense of honesty in the service.<sup>14</sup>

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<sup>13</sup> Various interviews by Dr. Hassan Abbas in Istanbul, May 12-13, 2012.

<sup>14</sup> Ibid.

## Recommendations

Pakistan would benefit from looking to the models provided by these countries and drawing lessons from their experiences.

- The most critical step toward reform involves thoroughly developing a strategy. To varying degrees, both Turkey and Indonesia mapped out their approaches to reorganization. Pakistan has a key advantage here: during the Musharraf administration, a government-sponsored think tank, the National Reconstruction Bureau, carefully contemplated police reform and produced key policy recommendations that were reflected in Police Order 2002 before it was diluted by restrictive amendments. Police Order 2002 can thus be used as a basis for planning the reform program. The planning objectives must focus on strengthening the democratic governance of police by establishing oversight at all levels.
- Policies remain meaningless without financial and legislative support. Reform programs in both Turkey and Indonesia enjoyed the backing of the government.
- Pakistan’s reform plan must include the following key features of democratic policing:
  - A strategy to establish civilian oversight over police agencies at the executive level. This can be done either by using existing offices or by creating a new department. This oversight will make police administration transparent by closely and objectively monitoring political manipulation in hiring and firing, human resources, and budgetary practices.
  - A strategy to encourage societal oversight must be implemented—most importantly, through independent police complaint commissions.
  - A strategy to develop community policing programs, giving the public a forum to conduct dialogue with local police.
  - A strategy to design a comprehensive training program for every police department that focuses on the following factors and utilizes international technical and logistical support:
    - Changing the culture of the police service to reflect its role as administrator of public service and justice.
    - Updating interrogation techniques, evidence-taking procedures, and other key police functions.
- Consider employing a “twinning” program similar to that of Turkey and the EU in which the TNP trained under EU police personnel.
- Consider implementing a deradicalization program similar to that of Indonesia as an element of police work, as it can strengthen counterterrorism efforts.

# Pakistan's Police Peacekeeping Dividend

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*Andrew Carpenter*

**A**s of April 2012, United Nations Police (UNPOL) officers from 88 countries were serving in 12 UN Peacekeeping Operations and seven UN Special Political Missions around the world, with 13 missions in Africa—including the largest ever authorized deployment of 6,432 UN Police for Darfur—as well as in Afghanistan, Cyprus, Haiti, Kosovo, Libya, and Timor-Leste.<sup>1</sup>

Of these, almost 800 are police officers from Pakistan serving in seven UN peace operations, as well as in support of the African Union in Addis Ababa, Ethiopia; the UN Police Division's headquarters in New York; and the Standing Police Capacity, its rapid reaction team, in Brindisi, Italy. Since Pakistan deployed its first police officers to the UN Transitional Authority in Cambodia in 1992, it has grown its police contingent consistently from this modest start to become one of the top five police-contributing countries to the UN over the last decade. It currently ranks fourth.<sup>2</sup>

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**Police officers from Pakistan who have been deployed in UN peace operations will have enhanced their professionalism.**

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In recent years, as both the number and complexity of the tasks mandated to UNPOL have grown dramatically, so have the skills and experience that Pakistan's returning police officers have acquired during their service overseas in UN peace operations. Despite this strong and enduring commitment to the UN and to member states hosting peace operations, Pakistan appears to have failed to fully grasp and exploit the value and potential of its former UNPOL officers for its own domestic policing needs.

This chapter will look at a hitherto unrealized aspect of the Pakistan policing story: Pakistan's police peacekeepers and the country's underutilized peacekeeping dividend.

## History of Pakistan's Involvement in UNPOL

During the Cold War, UNPOL peacekeepers were traditionally deployed in a passive, nonobtrusive manner to observe, monitor, and report on their local host state police counterparts in order to verify police performance and the impartiality of service to the local population; to observe and ascertain police strengths and weaknesses; and to report and document police infractions. This classical type of police peacekeeping was deployed well after fighting had stopped and benefited from little standardized training

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<sup>1</sup> See <http://www.un.org/en/peacekeeping/missions/unamid/facts.shtml> (accessed May 30, 2012).

<sup>2</sup> See *UN Police Magazine*, 19, accessed May 30, 2012, [http://www.un.org/en/peacekeeping/publications/unpolmag/unpolmag\\_08.pdf](http://www.un.org/en/peacekeeping/publications/unpolmag/unpolmag_08.pdf).

or commonly agreed-upon guidance. At the time, it was believed that the UNPOL officers who carried out these missions did not require any specialized skills, only a good grounding in general police duties. As such, officers were appointed to a generic role in which their rank and specialist training were not considered particularly relevant.

In the post–Cold War world of the 1990s, this began to change. UNPOL peacekeepers were required to undertake more dynamic roles of mentoring, training, and advising their host state counterparts to build up domestic operational capability in less peaceful contexts. While this began with UNPOL assuming a lead role in the training of host state police, it was gradually recognized that there was also a need for UNPOL to become involved in reforming, restructuring, and/or (re)building the institutional capacity

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**Returning police peacekeepers will have expanded their thinking about how to approach policing as a service.**

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of local counterparts. However, building institutional police capacity in postconflict environments requires experts in a range of specialties—not simply a greater number of general duty police officers being deployed.

These new UNPOL components require trained and experienced first-line supervisors, middle managers, investigators, planners, logisticians, specialist trainers, gender experts, crime analysts, and human resource

and information technology experts, among others. Moreover, in the majority of cases, these expert personnel need to be able not only to practice their specialty in the unfamiliar surroundings of a field-based mission in a foreign country, but also to pass on relevant aspects of their experience and knowledge to their police colleagues in the host state.

### The Effect of UNPOL Deployment on Police in Pakistan

It is safe to say that given the pre-deployment selection tests and procedures, the quality of the average UNPOL officer from Pakistan is significantly higher than his or her average national counterpart even before deployment. For example, from a total of 1,213 applicants (including 120 female police officers) drawn from the Federal Investigation Agency, the National Highways and Motorway Police, as well as police officers from four Pakistan's provinces who took the UN Selection Assistance Test in Islamabad in October 2011, 600 failed to pass the English language tests.<sup>3</sup> Pakistan's UNPOL policing pool thus represents a great number of its best officers.

This gap is likely to widen during the UNPOL officer's service, given that his or her computer literacy, driving ability, and weapons-handling skills will have had both practice and training during deployment.

Thus, police officers from Pakistan who have been deployed in UN peace operations will have enhanced their professionalism not only through exposure to standards of excellence in international policing and specialized training, but also through day-to-day interaction with their host state counterparts and fellow international UNPOL colleagues. Working as part of a UNPOL component, Pakistani police officers are given the opportunity to meet and learn from people from many different backgrounds and cultures.

Moreover, for those officers making up the UNPOL contingent from Pakistan, the experience to serve

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<sup>3</sup> Mohammad Asghar, "UN Peacekeeping: Over 600 Police Officers Fail in English Language Test," *Dawn*, October 27, 2011, accessed May 30, 2012, <http://dawn.com/2011/10/27/un-peacekeeping-over-600-police-officers-fail-in-english-language-test-2/>.

abroad presents an opportunity to work outside the “stovepipes” of Pakistan’s various federal and provincial policing agencies.

The UN deploys female police officers across the full spectrum of policing tasks. As a result, female officers are not confined to reserved duties and are represented in each one of the missions’ UNPOL components. Currently, female police officers make up just over 9.5 percent of the deployed UNPOL contingent.<sup>4</sup> Police officers deployed from Pakistan—both male and female—are thus afforded the opportunity to be exposed to a variety of ways in which policing and gender are approached.

Furthermore, the police officers serving with the UN will return to Pakistan having interacted with the multinational military components that made up their international mission. These officers no doubt will have found the police–military relationship to be more professionally balanced and reciprocal than what they find back home. Often, these returning police peacekeepers will have expanded their thinking about how to approach policing as a “service,” and they will return home with useful knowledge in this area. The question is: have they ever been asked to share their hard-won experience?

## Recommendations

Pakistan has, in the form of its past, current, and future pool of UNPOL peacekeepers, an untapped strategic policing reserve that could be mobilized to assist its policing authorities. This would drive and consolidate so that Pakistan has a police force that is fully ready and able to rise and meet both the local and globalized challenges of policing in the twenty-first century.

Therefore, Pakistan’s contribution to UNPOL peacekeeping represents an unexpected police peacekeeping dividend from its own selfless efforts to assist other nations recovering from conflict, which Pakistan could now use for itself to create a more professional police service through meaningful reform. In order to do so, the following recommendations are put forth:

- During a police officer’s deployment in a UN peace operation, his or her contributing police service should develop and maintain regular and structured contact so that the police peacekeepers’ experiences can be appreciated and contextualized.
- The UNPOL appraisal of the police officer’s service (including the comments of the national contingent commander) should be given appropriate merit with regard to his or her timely promotion or reassignment of duties. This could be done in line with that of his or her academy “batch mates” upon his or her return to Pakistan, so that international service is not perceived as an impediment to a police officer’s career progression.
- Upon arrival home, every police peacekeeper should be required to complete a standardized debriefing questionnaire and submit a report outlining his or her activities and experiences. This would provide a comprehensive answer to the question of how service as a UN Police officer developed his or her knowledge and skills of policing and how this can be applied to the benefit of policing in Pakistan.
- A centralized digital depository should be developed and maintained to record the details of who served where, for how long, and what their duties and experiences were so as to ensure that lessons are not only identified and collated but also adequately accessible. This will ensure that those lessons are available for implementation if deemed both appropriate and required for utilization.

<sup>4</sup> See “Gender Statistics by Mission,” accessed May 30, 2012, <http://www.un.org/en/peacekeeping/contributors/gender/2012gender/apr12.pdf>.

- A steering mechanism staffed by police officers of the appropriate rank, education, and international experience (such as former Hubert H. Humphrey Fellows or Chevening Scholars) should be formed to review the scale and extent of the dividend that Pakistan could realistically derive from its police peacekeepers and how their combined skills and experience could best benefit the future direction and development of policing for all in Pakistan.

# The Role of the Private Sector and NGOs

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*Dania Khan*

**W**hile all stakeholders agree that the inability of the police in Pakistan to provide security is a serious problem, differences arise as to the weight given to the many factors that contribute to overall police failure. To a politician, a rise in dispute resolution and criminal conviction might indicate better policing, for instance, but those same indicators would mean little to a woman who feels that *thana* (police station) culture prevents her from visiting to report a crime. Thus, it is essential to build and strengthen civil society platforms that function as forums for debate on police reform where all voices can be heard. These platforms must have the resources to design, promulgate, and implement interventions, as well as to inform and influence legislation.

The long-term aim of such initiatives should be to make the police more citizen-centric. This reorientation requires the grassroots mobilization of citizens and the incorporation of their views into legislation. Success in doing so depends not only on the presence of a large number of organizations, but also on the ability of those organizations to effectively coordinate activity. As this chapter will detail, several civil society organizations (CSOs) are currently working on this cause. Their initiatives, which often take the form of capacity-building programs, training curriculum revisions, and community–police collaboration projects, have proven to be quite successful thus far, although they are limited in scope.

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## **Pakistan Forum on Democratic Policing**

Efforts by the Pakistan Forum on Democratic Policing (PFDP) and its member parties offer a glimpse of recent civil society initiatives. The forum's members include Rozan, Shehri-Citizens for a Better Environment, the Centre for Peace and Development Initiatives, the Aurat Foundation, the Strengthening Participatory Organization, the Human Rights Commission of Pakistan, Shirkat Gah, the Society for the Protection of the Rights of the Child, and Individualland. The PFDP was launched at a national meeting held on December 13, 2011, in Islamabad, at which attendees formulated a charter of demand to promote democratic policing in Pakistan identify key areas for intervention.

In the second half of 2011, leading up to the formation of the PFDP, several of the foregoing organizations collaborated to revive the police reform debate among intellectuals, police, legislators, nongovernmental organizations (NGOs), community-based organizations, the media, trade unions, and labor unions in Pakistan. Eight policy dialogues were held throughout Pakistan, engaging legislators, police, media, and other CSOs to reach a consensus on what a citizen-centric police in Pakistan should look like.<sup>1</sup>



The creation of the PFDP has attracted much-needed attention to the involvement of civil society in police reform and undoubtedly will help increase awareness and galvanize additional support among Pakistani citizens. As will be explained, for most CSOs, this is not the first major attempt at police reform.

## Rozan

Rozan, an Islamabad-based NGO, established the Rabta Police Training Program in 1999 in partnership with the National Police Academy, National Police Bureau, Islamabad Police, and various provincial police departments. What started as a three-day training workshop to improve the interpersonal and communication skills of constables and inspectors has evolved into an institutionalized module for the official training curriculum at the National Police Academy in Islamabad. This “attitudinal change” module, which was included in the main training curriculum in 2006, consists of three sections—self-awareness, life skills, and social awareness and knowledge—and seeks to address the factors that shape police attitudes toward female victims. Other crucial aspects of the training include stress management, anger management, communication skills, overcoming messages and prejudices ingrained throughout childhood, and understanding the discourse on human rights, women’s rights, and children’s rights.

Since 2003, to complement its training, the Rabta program has developed a mentoring process aimed at sustaining the conditions that foster long-term change among trainees. It was initiated as a response to complaints that high-stress working conditions and a lack of appreciation for the importance of attitudinal changes in the police force made it difficult to sustain behavioral changes beyond a few months. It was intended to provide police officers with a platform to express their views, employ the skills acquired through training, and develop links with the communities they served. The last goal is accomplished through police–community collaboration initiatives, which are owned, planned, and organized by participants in the mentoring process with support from the Rabta team. These initiatives include the following:

- Orientation sessions in which participants visit a local school or college to interact with students and give a presentation on the responsibilities of the police.
- Open house sessions at which students and other community members can become familiar with the layout and logistics of a police station.
- Interactive sessions in which a Rabta team moderates a discussion between members of the police and the community to address mutual prejudices and misconceptions.
- Feedback sessions during which participants in the mentoring process are asked to comment on and critique the program.

In the decade following the conception of the Rabta program, Rozan has reported increased sensitization to gender issues among both the police leadership and trainees. Nevertheless, there are many other issues that have curtailed the impact of this program, including limited political will to acknowledge gender issues and the unpredictability of political support. It was only after the government in 2005 instructed the National Police Academy to make the curriculum more gender sensitive that the National Police Academy approached Rozan, and the attitudinal change module was incorporated in 2006. To ensure sustained support from the government and politicians, it is important that police reforms be mainstreamed and sustained as a priority public policy agenda. The PFDP is crucial in this regard. It is essential that the CSOs working toward police reform—either as part of the PFDP or independent of it—are supported and that their capacity is enhanced.

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<sup>1</sup> The summary of events in 2011 is taken from correspondence with Rashid Kazmi, senior program officer at Rozan.

## Shehri-Citizens for a Better Environment

Shehri-CBE is a Karachi-based nonprofit organization that works to sensitize police officers to human rights issues and lobbies the government for police reform. It was established in 1990 and has remained involved in a variety of issues that require community participation to complement government action. To this end, the organization has initiated a series of training workshops to promote dialogue between citizens and relevant government agencies.

Most recently, in 2010, the organization initiated a series of workshops titled “Police Reform in Pakistan with Special Emphasis on Human Rights Training.” The series built on a previous project supported by the National Endowment for Democracy titled the “National Project for Participatory Citizen–Police Interaction and Training for Improved Policing of Human Rights Violations.” Initiated in 2007, the project was originally limited to Karachi, but it soon expanded to training sessions in Hyderabad, Islamabad, and Karachi. It has focused on 150 nominated police personnel from across the country, with the goal of expanding human rights awareness among participants and improving their negotiation and conflict resolution skills.

The project has received an official endorsement from the inspectors general of police of all four provinces of Pakistan in the form of a memorandum of cooperation, under which the inspectors general agree to send nominations for police personnel to be trained. The training contains four modules that cover relevant Pakistani laws and policies pertaining to human rights violations; the religious dimension and Islamic understanding of human rights; violation of the rights of women, children, and minorities; human rights in a global context; and Pakistan’s commitment to the Universal Declaration of Human Rights. These core modules are followed by a special “Master Trainer” workshop held in Karachi, where officials are selected and trained to build their capacity as trainers and resource personnel for similar workshops throughout the country.<sup>2</sup>

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Because Shehri-CBE aims to facilitate dialogue and build trust among all relevant stakeholders, as well as to inform legislation on police reform, a series of consultative workshops was arranged that focused on social mobilization and lobbying support for the conversion of Police Order 2002 into an act of Parliament. These workshops brought together stakeholders from different spheres of society to identify the factors behind the trust deficit between the police and civil society. The last of these was a day-long open court (*khuli kehchahi*) attended by police personnel, lawyers, academics, and representatives from media and civil society, ending in a signature campaign that demonstrated the participants’ support for proposed police reforms in Pakistan.

## Citizens-Police Liaison Committee

Perhaps the best-sustained attempt to bridge the gap between citizens and police in Pakistan has been the citizens-police liaison committee (CPLC). Inspired by neighborhood watch committees in the United Kingdom, the CPLC was established in 1989 in Karachi by Fakhruddin G. Ibrahim, then the governor of Sindh. As a highly respected person in Pakistan, his association with the project added credibility to the effort. The committee initially consisted almost exclusively of members of the business community

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<sup>2</sup> Details of the program can be found at <http://www.shehripolice.org>, accessed June 21, 2012.

and relied on private donations for funding and volunteers for labor. Each committee was attached to a particular police station and was able to raise and provide resources to improve the working conditions of that station. This arrangement contributed significantly to improving the relationship between the communities and their police stations.

The CPLC has expanded over the last two decades to become an integral part of the state-police apparatus in Karachi, working to assist the police in core intelligence functions such as crime analysis, kidnapping investigation, and police service provision.<sup>3</sup> The committee is distinguished by its achievements in trust building, crime-solving assistance, the maintenance of a crime statistics database, and the implementation of police welfare projects.<sup>4</sup> There is still much room to improve some of the committee's other designated functions, such as monitoring and oversight. This trade-off between consolidating a trust-based relationship and implementing strict monitoring regimes should be addressed by any civil society organization that seeks to borrow from the CPLC model.

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**A large part of the CPLC's success can be attributed to its financial independence from government and local politicians.**

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A large part of the CPLC's success can be attributed to its financial independence from government and

local politicians. This autonomy has allowed the committee to remain free from political influence. Though much criticism emanates from the same fact—often resulting in the committee being branded “elitist”—the CPLC has managed to sustain an image of impartiality, claiming to serve the public irrespective of ethnic or linguistic affiliation and socioeconomic status.

## Recommendations

As various NGOs, think tanks, and human rights groups have acknowledged, there is a dire need for civil society to become involved in the discourse on Pakistani police reform and interventions aimed at building capacity of the police, bridging the gap between citizens and the police, and informing and pushing for legislative steps to make the police more citizen-centric. The following measures can support this goal:

- A number of CSOs have successfully experimented with models for intervention. Their important work deserves support from media and business community.
- As cited in the 2011 Commonwealth Human Rights Initiative workshop in Islamabad, the low quality and high politicization of the recruitment process remains a major cause of ineffective policing and a hurdle on the path toward comprehensive police reform.<sup>5</sup> Intervention at the recruitment stage is a major area that CSOs should be encouraged to target.
- Using the charter of demand as a guide to effective identification of priorities within the agenda of police reform, more citizens should be mobilized to contribute to this cause.
- Any attempt to successfully replicate the CPLC model requires funding that is independent of political affiliations. The focus should not only be on increasing the functional and institutional capacity of the police, but also on addressing concerns about the welfare of junior police officials.

<sup>3</sup> Mohammad O. Masud, “Co-Producing Citizen Security: The Citizen-Police Liaison Committee in Karachi,” Working Paper no. 172, Institute for Development Studies, October 2002, 5–7, accessed June 21, 2012, <http://www2.ids.ac.uk/gdr/cfs/pdfs/wp172.pdf>.

<sup>4</sup> Details of the projects that the CPLC has undertaken can be found at <http://www.cplc.org.pk>, accessed June 21, 2012.

<sup>5</sup> Network for Improved Policing in South Asia, “Policing in Conflict: Towards Better Policing in Pakistan,” October 2011, accessed June 21, 2012, <http://www.nipsa.in/newsletter/newletter-1/policing-in-conflict-towards-better-policing-in-pakistan/>.

# Map of Pakistan

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# Biographies of Independent Commission on Pakistan Police Reform Members

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**Hassan Abbas** (Project Director) is Senior Advisor at Asia Society and Professor of International Security Studies in the College of International Security Affairs at National Defense University in Washington, D.C. He also is a Nonresident Fellow at the Institute for Social Policy and Understanding. He was a Senior Advisor at the Belfer Center for Science and International Affairs at Harvard University and Distinguished Quaid-i-Azam Chair Professor at Columbia University. He received his doctorate from Tufts University's Fletcher School of Law and Diplomacy and a master's degree in international law from Nottingham University, where he was a Britannia Chevening Scholar. Dr. Abbas is a former Pakistani government official who served in the administrations of Prime Minister Benazir Bhutto (1995–1996) and President Pervez Musharraf (1999–2000). His acclaimed book, *Pakistan's Drift into Extremism: Allah, the Army and America's War on Terror* (M. E. Sharpe, 2004), remains a bestseller in both Pakistan and India. He also runs WATANDOST, a blog on Pakistan and its neighbors. His forthcoming book on the post-9/11 history of the Taliban will be published by Yale University Press.

**Ifthikhar Ahmed** is a former Inspector General of Police in Islamabad with 36 years of experience in law enforcement across the federal and provincial levels in Pakistan. Previously, he served as Federal Secretary for the Ministry of Narcotics Control, implementing the country's national antinarcotics policy. He also served as Deputy National Coordinator of the National Counter Terrorism Authority, where he was involved with the formulation of counterextremism and counterterrorism strategies. Most recently, he established the Centre for Rule of Law and Police Studies to advise stakeholders on law enforcement issues in Pakistan.

**Aitzaz Ahsan** is a barrister-at-law and Senior Advocate at the Supreme Court of Pakistan and former Federal Minister for Law and Justice, Interior, Narcotics Control, and Education. Elected to the Senate of Pakistan in 1994, he later served as leader of the House and leader of the opposition. He was President of the Supreme Court Bar Association and is the coauthor of *Divided by Democracy* (Roli Books, 2005). He was recently reelected to the Senate.

**Arif Alikhan** is a former Distinguished Professor of Homeland Security and Counterterrorism at National Defense University. He previously served as Assistant Secretary for Policy Development in the U.S. Department of Homeland Security and as Deputy Mayor for Homeland Security and Public Safety for the city of Los Angeles. His federal service also includes 10 years as a federal prosecutor in the U.S. Department of Justice and senior advisor to two U.S. Attorneys General on cybercrime and intellectual property.

**Hasan Asad Alvi** is Chief Security Officer in the Prime Minister's Secretariat in Islamabad. He has held numerous positions in police agencies throughout Pakistan, including Superintendent of Police at the headquarters in Peshawar and Assistant Superintendent of Police in University Town, Peshawar. He holds a master's degree from Harvard University's John F. Kennedy School of Government.

**Saiyed Mohib Asad** is Chief Executive Officer of the Independent Bureau for Humanitarian Issues in Pakistan, as well an advocate of the Punjab Bar Council in Islamabad, where he specializes in criminal appeals, extraditions, anticorruption, and service matters. He previously served as Director General of the Federal Investigation Authority, Deputy Director General of the Anti-Narcotics Force, and Inspector General of Police in Sindh.

**Brigadier Shafqat Asghar** is a serving officer of the Pakistani military and a visiting faculty member in the College of International Security Affairs at National Defense University. During his 26 years of commissioned service, he has held prestigious operational command and staff assignments, including command of a battalion, an artillery brigade in the Northern Areas of Pakistan, and an infantry brigade in the Federally Administered Tribal Areas during the 2009–2010 counterterrorism operations. Previously, he served in East Timor as a United Nations Military Observer under the UN's Transitional Administration in 2000–2001.

**Andrew Carpenter** is Chief of the Strategic Policy and Development Section of the Police Division in the Office of Rule of Law and Security Institutions, Department of Peacekeeping Operations at the United Nations. In this capacity, he is leading the development of a strategic doctrinal framework for international police peacekeeping, as well as an international criminal intelligence model for police peacekeepers. Prior to this, he served as Executive Officer (Political Affairs) of the Strategic Police Matters Unit of the Organization for Security and Co-operation in Europe in Vienna.

**Zulfiqar Hameed** is Assistant Inspector General of Police Administration in Punjab. He previously served as Senior Superintendent of Police Investigations in Lahore; District Police Officer in Nankana Sahib; Superintendent of Police, City Investigation, in Lahore; Superintendent of Police in Rawalpindi; and Assistant Superintendent of Police in Hasanabdal, Punjab as well as Badin, Sindh. He holds a master of laws from Louisiana State University and a master of business administration from Lahore University of Management Sciences.

**Syed Ejaz Hussain** is Deputy Inspector General of Police. He earned his doctorate from the University of Pennsylvania as a Fulbright Fellow. In 2011–2012, he received the Post-Doctoral Terrorism Research Award from the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland. He is the author of two books and many policy papers.

**Tahira Khan** is a private consultant and researcher focused on gender and politics in Asia. From 1998 to 2005, she served as convener of the Women's Participation in Political Processes at the Asia Pacific Forum on Women Law and Development in Chiang Mai, Thailand. She is the author of *Beyond Honour: A Historical Materialist Explanation of Honour-Related Violence* (Oxford University Press, 2006). She holds a doctorate in international studies from the University of Denver and a master's degree in political science from Villanova University.

**Tariq Khosa** is an advisor to the United Nations Office of Drugs and Crime in Pakistan, where he focuses on issues surrounding the rule of law and criminal justice. Prior to this, he served as the Office's Secretary of Narcotics Control. Until recently, he was an Asia delegate to the Executive Committee of INTERPOL. His previous assignments include Director General of the Federal Investigation Agency, Inspector General of Police in Balochistan, and Director General of the National Police Bureau.

**Roger B. Myerson** taught at Northwestern University from 1976 to 2001 and since then has taught in the Economics Department at the University of Chicago. He is the author of *Game Theory: Analysis of Conflict* (Harvard University Press, 1991). He has written on resolve and restraint in strategic deterrence, on moral hazard and leadership in the foundations of the state, and on the vital role of local democracy in democratic development. In 2007, he was awarded the Nobel Memorial Prize in Economic Sciences in recognition of his contributions to mechanism design theories.

**Tariq Parvez** is former Director General of Pakistan's Federal Investigation Agency and former National Coordinator of the National Counter Terrorism Authority. As a law enforcement officer, he worked extensively on studying and combating terrorism in Pakistan and is considered Pakistan's leading expert on terrorism-related issues. In 2004, he was awarded Sitara e Imtiaz, the third-highest civilian award in Pakistan, for his efforts in counterterrorism.

**Amir Rana** is a security and political analyst and director and founding member of the Pak Institute for Peace Studies, an independent think tank based in Islamabad. He worked as a journalist with various Urdu and English daily newspapers from 1996 to 2004, and served as a Visiting Fellow at the Institute of Defense and Strategic Studies in Singapore.

**Afzal Ali Shigri** has spent 24 years in the Pakistani police force in numerous roles, including Inspector General of Police in Sindh and Director General of the National Police Bureau. He was also a member of the think tank based within the National Reconstruction Bureau for Police Reforms, where he helped prepare reports on police reform and draft Police Order 2002. Additionally, he is a member of the board of directors of the Aga Khan Rural Support Programme and a managing trustee of the Marafie Foundation, a charitable organization focused on strengthening health care and education infrastructure for vulnerable populations.

**Shoaib Suddle** is one of South Asia's leading police and justice sector reform specialists. He is a visiting criminal justice expert at the United Nations Asia and Far East Institute on Crime Prevention and Treatment of Offenders in Tokyo and an advisor to the Turkish National Police. Additionally, he serves as International Director of Asia Crime Prevention Foundation based in Tokyo, and currently holds the constitutional post of Federal Tax Ombudsman of Pakistan as well as the Chair of Forum of Pakistan Ombudsman. Previously, he headed the Intelligence Bureau and served as Inspector General Police in Sindh, Director General of the National Police Bureau, and Inspector General of Police in Balochistan.

**Muhammad Tahir** is Senior Superintendent of the National Highways and Motorway Police. His experience in public safety includes work as the Head of Operations for the city of Peshawar and District Police Chief of Nowshera and Mardan in Khyber Pakhtunkhwa Province. He holds a master's degree in human resource management from the University of Manchester, a master of business administration from the Institute of Business Administration in Karachi, and recently served as a Hubert Humphrey Fellow at the University of Minnesota.

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