

BASIC ELEMENTS OF PAKISTANI TERRORISM

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Abstract: Today Pakistan is unable to contain the forces of anarchy it has unleashed. The present day Pakistan is a land where the problem rests on the belief of those that sustain terror through the employment of state institutions. The problem resides in the precincts of power in Islamabad-Rawalpindi that justify the covert and overt employment of violence and terror as a tool of diplomacy (Singh, 2009). The use of Jihad and gun culture as tools of state policy to acquire strategic depth has boomeranged on Pakistan. Madrassas as 'schools of hate' that were created to wage the proxy war in Afghanistan and later in Kashmir have served, no doubt, Pakistan's short-term interests. But in the long-term, they have created fanatical fundamentalists who are ultimately likely to wreck and ruin Pakistan (Kukreja, 2008). Drugs, weapons and terrorism, originally meant for export, are now threatening to destroy Pakistan's society and polity. In Pakistan, non-state actors possess money power, weapons and a certain mindset that are threatening society and has gone beyond the control of government to dictate how, when, and where these would be used and against whom. There were serious gaps in Pakistan promised and what it delivered. The present situation not only challenges the whole fabric of Pakistan's socio-political culture but also sketches a doomed future for the nation. The paper aims to highlight the basics of terror aspect with a view to seek solution and an arguent call against the heinous crimes against humanity.

Key Words: Pakistan, Terror, Laws, External forces, Society.

Introduction

The word 'Pakistan' was first coined by Rahmat Ali when he published a 4-page pamphlet at Cambridge in January 1933, almost seven years ago of the period (23 March 1940) Mohammad Ali Jinnah, the *Quaid-i-Azam* of the country, asserted his demand for a separate nation at the Lahore session of the Muslim League. The creation of Pakistan was not the work of clerics and religious divines: it was the result of the efforts of a liberal Westernised leadership that successfully articulated the aspiration of the Muslims in different parts of India for substantially improved material conditions and an absence of Hindu economic and cultural domination (Rashid, 1996). The then Muslim intelligentsia wanted to break the psychological yoke of Hindu domination and consequent extermination. Hence they encouraged the paroxysms of the ordinary Muslims who were cohabiting with their Hindu counterparts for centuries in a 'more-or-less' conducive socio-political atmosphere (Mukharjee, 2010). There is no doubt in the fact that the leaders of Muslim League including Jinnah and earlier Sir Syed Ahmad and Mohammad Iqbal had thought sincerely about the application of Islamic principles, but they certainly did not regard the movement for Pakistan as an effort to recreate some 'golden age' in Islam. In the minds of most, whatever the other inducements underlying the demand for Pakistan, the project certainly had an idealist element involving the issue of identity and Islam. But since religion had played an important role in the creation of Pakistan, the role of religion in the context of post-independence developments assumed significance.

Religion, as a faith, is supreme, but as a basis of nationhood does not carry much weight because it can not unite areas which are different, socially, economically, geographically, linguistically and culturally. History has proved that after the first few decades or at the most after the first century, Islam was not able to unite all the Muslim countries by Islam (Kalam, 1988). Among the three stalwarts-Sir Syed Ahmad, Mohammad Iqbal and Jinnah, the first sought a rational exposition of Islam that represented a qualitative change from the past into the modern era. He held the Quran to determine our understanding of Islam and brought out its relevance to the new society of his day and rejected the canonical traditions and the authority. Mohammad Iqbal took a step further in this regard and rejected the static traditionalist interpretation of Islam and asserted that the Quran provides an essentially dynamic world-view for Muslims. Even after the independence of Pakistan on 14 August 1947 Jinnah regarded the religion as a personal matter, not a state matter. His ultimate commitment to Islam remained intact and while formulating the broad principles he held the view, 'Islam is not only a set of rituals, traditions and spiritual doctrines, Islam is a code for every Muslim which regulates his life and his conduct in all aspects, social, political economic, etc. It is based on the highest principle of honour, integrity, fair play and justice for all. One God, equality and unity are the fundamental principles of Islam (Freeland, 1968). Jinnah's view on religion was treated for a long time as the 'Magna Carta' of minority safeguards in Pakistan.

Changing Nature of Pak Society

Traditionally, the state of Pakistan has a potential enmity with India by birth and a long-term border difference and ethnic tension with Afghanistan. After independence, it has fought four declared wars with India without any success. The policy of Islamisation pursued by the

regime of Zia-ul-Haq and later governments proceeded from the Sunni Hanafi legal interpretation which predominated in Pakistan. With the strengthening of religious fundamentalism and the opening of countless Madrassas in the country, Pakistan's social composition and nature of the polity began to change in terror direction. The social and economic conditions also played their role: sectarianism, the phenomenon akin to communalism, sprang out of enmity between religious-political groups. The clashes between Shi' ites and Sunnis started in the early eighties first in small towns of central and southern Punjab, one of the most backward and poorest parts of the country (Belokrenitsky, 2004). Independent Pakistan inherited a border dispute on account of a boundary sketched in 1893 by Sir Mortimer Durand, Foreign Secretary for the British Empire in India. It is now called the Durand Line and runs right through areas inhabited by Pashtuns, splitting them in half. The Afghanistan government does not recognise the line and at the time of partition of India, it had demanded the redrawing of the line. It suggested to make the Indus river as the new border but it was ignored. From then onwards, it has been a constant source of bitterness between Pakistan and Afghanistan.

With Russia's invasion of Afghanistan on 27 December 1979 Kabul became a battleground for the cold war between the United States and the Soviet Union. America and the Soviet Union brought two other neighbours into that cold war fight: Pakistan and India. New Delhi stood by the Soviet Union as it quietly did in many other areas. Pakistan and its intelligence service became the middlemen between the United States and the Mujahideen. It acquired the status of a frontline state in the US-Soviet cold war (Bhattacharjee, 2008). Pakistan's army was used by the US to organise resistance to the pro-Soviet regime in Afghanistan. During the late 1970s and early 1980s, Pakistan's patronage to hard-line Islamists within the country, the massive recruitment for military and ideological training, and the spread of weapons provided by North Atlantic Treaty Organisation (NATO) countries, created a fertile ground in both Pakistan and Afghanistan for Islamic insurgency in the region. At the time of invasion India called for a withdrawal of Soviet troops, it also expressed its apprehensions about the United States military commitments to Pakistan. New Delhi feared that newly acquired United States arms could be used against India, rather than to secure the Afghan border and such fear certainly had a strong base, as in the forthcoming years, these weapons were used by various violent groups to destabilise Punjab, Kashmir and India's political and social stability.

As a result of the crisis in Afghanistan thousands of refugees sought sanctuary in Pakistan from Soviet air raids. Naturally Pakistan became worried as it created troubles for the country in various parts and upset the population balance. The use of Pakistan's soil by Afghan guerilla organisations and millions of refugees created a law and order problem for the administration. The easy availability of advanced weapons, including rockets, grenades and automatic rifles had helped increase criminal and terrorist activity in Pakistani society. The years between 1977 and 1987 saw a steady inflow of Afghan refugees into Pakistan and the use of Pakistan as a conduit for arms for the Afghan war. In 1987, 17 per cent of the 832 incidents of international terrorism recorded in the world occurred in Pakistan alone; if Pakistan is excluded, the level of international terrorism declined by almost 10 per cent from the level of 1986 (Department of State, 1987). The US government blamed Soviet-trained agents of the Afghan intelligence service for carrying out 127 of the 138 international terrorism strikes in Pakistan, leaving 234 people dead and 1,200 wounded. Several terrorist strikes by Iranian and Palestinian agents in Pakistan were reported. True to the proliferation of terrorism it is said that the growth of international terrorist movements should be linked to the willingness of some nations to directly

or indirectly sponsor campaigns of terror, often through proxies and other means (Laqueur, 1987). State sponsorship of groups has strained relations between India and Pakistan, Pakistan and Afghanistan, and Sri Lanka and India.

Countermeasures by the US

Throughout the period of Soviet occupation in Afghanistan-Pakistan in collusion with the anti-Soviet forces of US, worked with full power and strength. Over the years Afghanistan has been serving as breeding ground for Jehadi groups. The western regions of Pakistan and the southern regions had become a vast network of training camps for highly motivated militant youth. The Nexus of the Soviet forces in Afghanistan was also reported to have involved in the drug trade (Dixit, 1991). The drug money helped in the growth of the ISI from its modest origins to become an extensive intelligence network with global operations in less than a decade's time. The US deliberately ignored the problem of narco-terrorism in this region. In fact, the US encouraged drug trafficking to raise funds for the Mujahideen fighting against the Soviets. The CIA was in full command of the region and purposely allowed the illegal trade to flourish. It was disclosed later in September 1994 by Nawaz Sharif, the former Prime Minister of Pakistan, in an interview with *The Washington Post*. The premier said that 'Pakistan's Army Chief General Aslam Beg and its Central Intelligence Chief, Durrani had sought approval in 1991 for a detailed blue print to sell heroin to pay for covert military operations'(The News, 1994). Consequently Pakistan emerged on the international narcotics scene in the late 1970s and the span of 10 years became one of the major sources and routes of heroin supply to the western world. However, even after the Soviet withdrawal from the Afghanistan in 1989 and the terror attack on Pentagon on 11 September 2001, the Pakistani interest in Afghan affairs did not come to an end. It continued its terror activities in Afghan through Al-Qaeda and other militant groups to gain a strong foothold in country's society and politics.

Anti-terror Laws of Pakistan

It was in that kind of situation prevailing in the country that Pakistan thought of making some new terror laws to control the terrorist organisations in a more effective way. Recently Pakistan passed the 1997 Anti-Terrorism Act. Under Section 5 (2) (1) of the Act the right to shoot to kill was provided under which an officer of the police, armed forces and civil armed forces may after giving prior warning use such force as may be deemed necessary or appropriate, bearing in mind all the facts and circumstances of the situation, against any person who is committing, or in all probability is likely to commit a terrorist act or a scheduled offence, and it shall be lawful for any such officer, or any superior officer, to fire or order the firing upon any person or persons against whom he is authorised to use force in terms hereof. However, this provision of the Act was criticised and it is said that the enactment of broad provisions empowering summary execution is not the way a modern civilized state ought to act. Rather the government should set strict limits to the circumstances in which firearms could be used to prevent an arbitrary killing by the security forces. The broad powers are given to the police and consequently, to the military and civil armed forces contravene major international standards, human rights.

Several immunities were given to security forces in Section 39 of the act while section 26 embodied the laws regarding admission of the confession. To quote section 39 of the act, 'No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this act. This is tantamount to providing impunity to the security forces for abuses, including extra judicial killings. To explicitly place

any acts of police or other law enforcement personnel, including possibly random resort to lethal force, outside scrutiny and accountability may give law enforcement personnel the impression that they may commit such acts with impunity if only they can claim to have done them in good faith. The said provision breaches a basic requirement of the rule of law, namely its equal and exception less application to everyone. While section 26 says, 'The special court may, for admission of the confession in evidence, require the police officer to produce a video tape together with the device used for recording the confession. Article 14 (2) of the Constitution of Pakistan prohibits the use of torture, though only in the limited context of extraction of confession. 'No person shall be subjected to torture for the purpose of extracting evidence'. However, Pakistani law enforcement officials, to extract confessions from the accused, routinely use torture. Lending greater legal weight to confessions and putting pressure on police to speedily resolve crime may indirectly contribute to the continued and perhaps increased use of torture.

Another sections 15, 31 and 22 of 1997 Anti-Terrorism Act defined the right to be tried in a public place without prejudice to the defendant, right to appeal and death penalty respectively. Under section 15 of the Act the Government may direct that for the trial of a particular case the court shall sit at such place including the place of occurrence as it may specify. As explained this is intended to expose the defendant to public expressions of outrage, anger or even violence for his deeds to humiliate him and to deter others by the specter of public exposure, it does not appear to serve the purpose of helping the judiciary establish the truth and do justice in a detached circumspect manner and in calm circumstances. The right to be presumed innocent: The act lays down that only special courts may grant bail to people tried for offences under the act but they may not release a defendant on bail if there are reasonable grounds for believing that he has been guilty of the offence with which he has been charged and unless the prosecution has been given an opportunity to show cause why he should not be released. This gives the prosecution the right to veto to deny bail.

Likewise section 31 reads, ' judgement or order passed or sentence awarded by a special court, subject to the result of an appeal under this act shall be final and shall not be called in question in any court'. By this provision the possibility of the defendant to appeal to a court in the regular judicial system, either to the provincial court or the Supreme Court of Pakistan is therefore excluded. People convicted and sentenced by the special courts are clearly disadvantaged in so far as their legal remedies are restricted: they have only one possibility of appeal, whereas people convicted by regular courts may also appeal to the Supreme Court. This provision violates the principle of equality before law laid down in the Constitution of Pakistan. It is also the fundamental principles of international human rights law. Moreover, the right to appeal is restricted in so far as it is subject to severe limitations. The defendant may not in seven days be able to present an adequate appeal while the prosecution has 15 days for the appeal. Moreover, the right to appeal of those facing the death penalty also appears to be seriously infringed under the act. Under section 7 (1) of the 1999 Amended Anti-Terrorism Act, for a terrorist act resulting in death, courts have to mandatorily impose the death penalty. This does not give any discretion to the judiciary. According to section 22 of the 1997 Anti-Terrorism Act the government may specify the manner, mode and place of execution of any sentence passed under this act, having regard to the deterrent effect with such execution are likely to have?. Section 22 opens the possibility for public executions of the death penalty.

However, soon the Government of Pakistan felt the need of a more effective measure to combat

terror activities and in 2002 it issued an ordinance to include the military officers in the panel of judges to try terror offences. This not only determines the independence of the judiciary, but makes the anti-terror law in the country even more draconian. Described as necessary that appropriate administrative and judicial measures be adopted to fight a spate of terrorist activities and heinous offences in Pakistan these anti-terrorism laws opened the door to grave violations of human rights including the right to safe, the prohibition of torture, the right to liberty and security and the right to fair trial. Among other things they provide for the creation of anti-terrorist courts and give wide powers of arrest and interrogation to the police and army. Amnesty International, in its report, had criticized the legislation and held the view that the existing legal and judicial system is already equipped to deal with offences referred to in the act. The problem then seems to be a lack of implementation, not a lack of laws. In an attempt to hide this inefficiency, Pakistan adopted the anti-terrorist acts which provide speedy trial without necessary guarantees for the accused, unfair trials and license to kill etc.

Beginning of Horrible Terror in Kashmir

In fact the end of the Soviet takeover in Kabul in 1989 was the beginning of the first phase of terrorism and proxy war in Kashmir. Pakistan having failed to wrest Kashmir from India using direct armed conflicts in 1947-48, 1965 and 1971, now opted for a low-cost proxy war against India, by sponsoring terrorism in Jammu and Kashmir. Pakistan's involvement in creating and supporting terrorism has been established long ago as India has experienced more terrorist violence than any other country. It was evident from the US House Republican Research Committee which, in its report titled *The New Islamist International* dated 1 February 1993, quoted, 'In 1986, with growing experience in training, organising and running the Afghan Mujahideen, and with military supplies available through US, Saudi and other foreign assistance, Pakistan began expanding its operation to sponsor and promote separatism and terrorism, primarily in Kashmir, as a strategic long-term programme. Initially, the emphasis on this program was on using the Afghan support infrastructure in Pakistan to support Kashmiri militants, Indeed, during the main escalation of Islamist violence in Indian Kashmir in mid-1988, Pakistan provided assistance in the training and arming of Kashmiri terrorists, as well as sanctuaries to Kashmiri insurgents across the border.

Cross-border terrorism has been on the rise in the valley over the years. The porous border, free flowing information and modern means of communication, all have made cross-border terrorism an easy game. Under a well- thought policy thousands of Islamist terrorists have been pushed inside Kashmir and to facilitate the infiltration of Islamist mercenaries, Pakistani forces resort to firing at Indian pickets along the LoC, to divert attention and to provide cover to the armed intruders. The Islamist mercenaries have extended their operation from Kashmir to Poonch, Mendhar, Rajouri, Doda, Kishtwar and even made forays into Chamba in Himachal Pradesh. It also seeks to acquire control over the strategic and high altitude areas in Jammu and Kashmir for carrying out its future offensive against the Indian forces. The result of this was the Kargil aggression of Summer 1999. Even the coming of General Pervez Musharraf to power in October 1999 has not helped matters to any significant extent. One of his first goals after seizing power was to reverse the Talibanisation of Pakistan by clipping the wings of the then flourishing Jihadi organisations. In 1999 and 2000, he tried to make their members stop carrying arms in public, tried to move them out of mainland Pakistan into 'Azad Kashmir' (Jha, 2004). Musharraf feared that any change in his country's Kashmir policy might cost him the very authority he is exercising due to vocal supports some of these groups have in Pakistan.

The continuum of history and geography on the one hand, and the prevailing politico-military ambiance between India and Pakistan on the other that had nurtured this phenomenon cannot be compared with any other experience in the world (Bhaskar, 2001). The event of 11 September 2001 suicidal attacks in the United States brought a rapprochement between Pakistan and the West. Pakistan agreed to co-operate with the US's campaign against Osama bin Laden's Al-Qaeda network and the Taliban rulers of Afghanistan. The US response to the attacks confronted the political leaderships of both Pakistan and India with unique challenges and opportunities. Pakistan had to quickly choose whether it would become an adversary of the US and risk the expected consequences, or side with it, and confronts its Islamic-fundamentalist allies in Pakistan and Afghanistan. It chose to side with the US invasion of Afghanistan. On the other hand, for the first time New Delhi found the opportunity to categorise all Islamist resistance to Indian armed forces in Kashmir as terrorism, and it wanted an endorsement for its efforts to crush them and the US did declare multiple Islamist groups to be terrorist organisations.

In post-9/11 General Pervez Musharraf delivered a policy speech on 12 January 2002 in which he had committed himself to pushing Pakistan towards Islamic moderation and agreed to stop cross-border terrorism. His bold and visionary address was mainly for the people in the West, particularly the United States, his country and India. Musharraf had two messages for the West but the decade-old message for India that contained nothing new. For the US the first message was that Pakistan was breaking with Islamic fundamentalism and charting a new path towards becoming a modern, dynamic, Islamic welfare state. The second message was that his country had enough of terrorism which had played havoc with its life, killing thousands of people in sectarian violence filling it with hatred and intolerance, destroying the sanctity of its holy places, and projecting it as a retrogressive, non-performing state. However, all this was aimed to please the western countries, particularly the United States, which are now deeply concerned over the rise of Islamic fundamentalism in Pakistan and its emergence as a world-wide exporter of terrorism.

Unfortunately, for India, there was no working message. Earlier by joining the war on the Taliban, Musharraf had angered not only the religious parties but also the vast majority of the Pashtuns, who dominate the North West Frontier Provinces (NWFP) and are a decisive force in Baluchistan. His haunt for Al-Qaeda had put him on a collision course with the die-hard Islamic Jihadis in Pakistan. A section of the army was also annoyed with him and Musharraf was able to persuade the forces that he had no choice on Afghanistan but the implicit bargain he had to have been that he would make no such concessions on Kashmir. On the other India had asserted that Pakistan should dismantle its terrorist infrastructure and stop cross-border terrorism. It stressed that if the US wants to overcome terrorism, it must realise that the focus should be on Pakistan and not in Jammu and Kashmir and that the military fundamentalist character of states like Pakistan must change (Gill, 2004). Indian President, A.P.J. Abdul Kalam had also emphasised that cross-border terrorism and insurgency had emerged as a global threat to peace and harmony of human kind as they were not restricted to one country or region. He urged the world community to stall the financial channels of terrorist outfits.

General Musharraf's message to India was different to the West and the US. There was hardly anything different for India in the speech. He has not changed even a comma in the policy Pakistan has been following towards India for the last fifty years. He employs the same phrase- 'We shall continue to give Kashmir moral and diplomatic help'- which one of his illustrious military predecessor, Zia-ul-Haq used, to camouflage cross-border terrorism (Nayar, 2002). Since

taking over the helm of the country, General Musharraf had actively used the country's religious establishment to promote Pakistan's agenda vis-à-vis India, particularly furthering the strategic depth in Afghanistan and giving impetus to terrorism in Jammu and Kashmir.

Conclusions and Pathways

Today terrorism is threatening the very roots and fabric of Pakistan's nationhood. More tragically, terrorism in Pakistan draws its justification from the very faith which provides the country its ideological moorings. In the context there appear two main events that brought terrorism and intolerance to Pakistan on religious grounds. Before 1980, religion was not a controversial issue in Pakistan. However, the sectarian anti-Shiite militant groups were preaching hatred against the Shiite Muslims. This sectarian violence came to Pakistan only after the 1979 revolution in Iran, which transformed the nature and magnitude of sectarian violence in Pakistan. In line the Soviet-Afghanistan war was the most critical event responsible for spreading militancy and intolerance in Pakistan. The aftermath of the Soviet withdrawal exposed the damage, transformation of violence and weaponisation into Pakistani society. It ultimately plagued Pakistan with a new trend commonly referred as "Kalashnikov Culture" and "Talibanization"

To meet the challenges Pakistan is witnessing every day in and outside the country, its establishment needs to go to its basics of crises. The self-styled and misguided "Islamic scholars" preaching jihad, the government should cut all the help. Other pathways at the juncture include: (i) preventing and resolving conflicts with Taliban and other religious groups; (ii) strengthening the protection of vulnerable targets; (iii) a fully demarcated border with Afghanistan which will prevent the foreign intrusion in the country; (iv) the government should enter into serious negotiations with Washington on the issues of drone attacks; and (v) countering poverty, unemployment, backwardness and illiteracy for lasting remedy. Attention should also be given to monitoring the activities and curricula of the Madrasah-the breeding ground of extremism and intolerance. Moreover terrorism will not disappear through military operations. It is a perverse mindset that needs to be treated like a disease.

References

- Azad, Maulana Abul Kalam (1988). *India Wins Freedom*. New Delhi, p. 248.
- Bhaskar, Uday C. (2001). "New Rules for the New War". *The Hindustan Times*, (7 October).
- Bhattacharjee, Dhrubajyoti (2008). "India-Pakistan Relations - A Troubled History with a Bright Future ?". *South Asia Politics*, Vol. 6, no. 9, (January), p. 25.
- Belokrenitsky, Vyacheslav Ya. (2004). "Islamic Radicalism in Pakistan: Evolution and Regional Role/" Mahavir Singh (ed.), *International Terrorism and Religious Extremism - Challenges to Central and South Asia*. New Delhi, Anamica Publishers, p. 89.
- United States' Department of State (1987). *Patterns of Global Terrorism*, pp. 1-2.
- Dixit, Aabha (1991). "Narco-Power : Threatening the Very Roots of Pak Society". *Strategic Analysis* Vol. XIII, no. 15, (May), p. 191.
- Freeland, Abbot (1968). *Islam and Pakistan*. Newyork, p. 188.
- Gill, Bir Good (2004). "India and the Problem of Cross-Border Terrorism", in *International Terrorism and Religious Extremism-Challenges to Central and South Asia*, pp. 179-181.
- Jha, Prem Shankar (2004). "Drop the Sarcasm". *The Hindustan Times* (2 January).
- Kukreja, Veena (2008). *Contemporary Pakistan : Political Processes, Conflicts and Crises*. New Delhi, Sage Publications, p. XII-XIII.
- Laqueur, Walter (1987). *The Age of Terrorism*. Boston, Little Brown.
- Mukherjee, Uddipan (2010). "Jinnah's Tottering Pakistan." *South Asia Politics*, Vol.8, no. 10 (February), p. 3.
- Nayar, Kuldip (2002). "Not Enough in it for India". *The Hindu* (16 February).
- Rashid, Abbas (1996). "Pakistan: the Politics of Fundamentalism". Kumar Rupesinghe and Khawar Mumtaz (eds.), *Internal Conflicts in South Asia*. New Delhi, Sage Publications, pp. 58-59.
- Singh, Rajkumar (2009). *India and Pakistan-Social, Political and Military Perspectives*. New Delhi, Regal Publications, p. 253.