STABILIZING PAKISTAN THROUGH POLICE REFORM

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EXECUTIVE SUMMARY AND REPORT FINDINGS

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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.

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Executive Summary and Report Findings

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

This 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.

The perspectives covered in this report reflect debates on the subject that are taking place both in Pakistan and internationally. 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.

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. 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.”

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

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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 offices 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). 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. 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. 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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7 The author wishes to thank Marvi Sirmed and Nadia Naviwala for providing relevant materials in this regard.
8 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.”

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.

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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 Ordinance 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 in addition to 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.
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