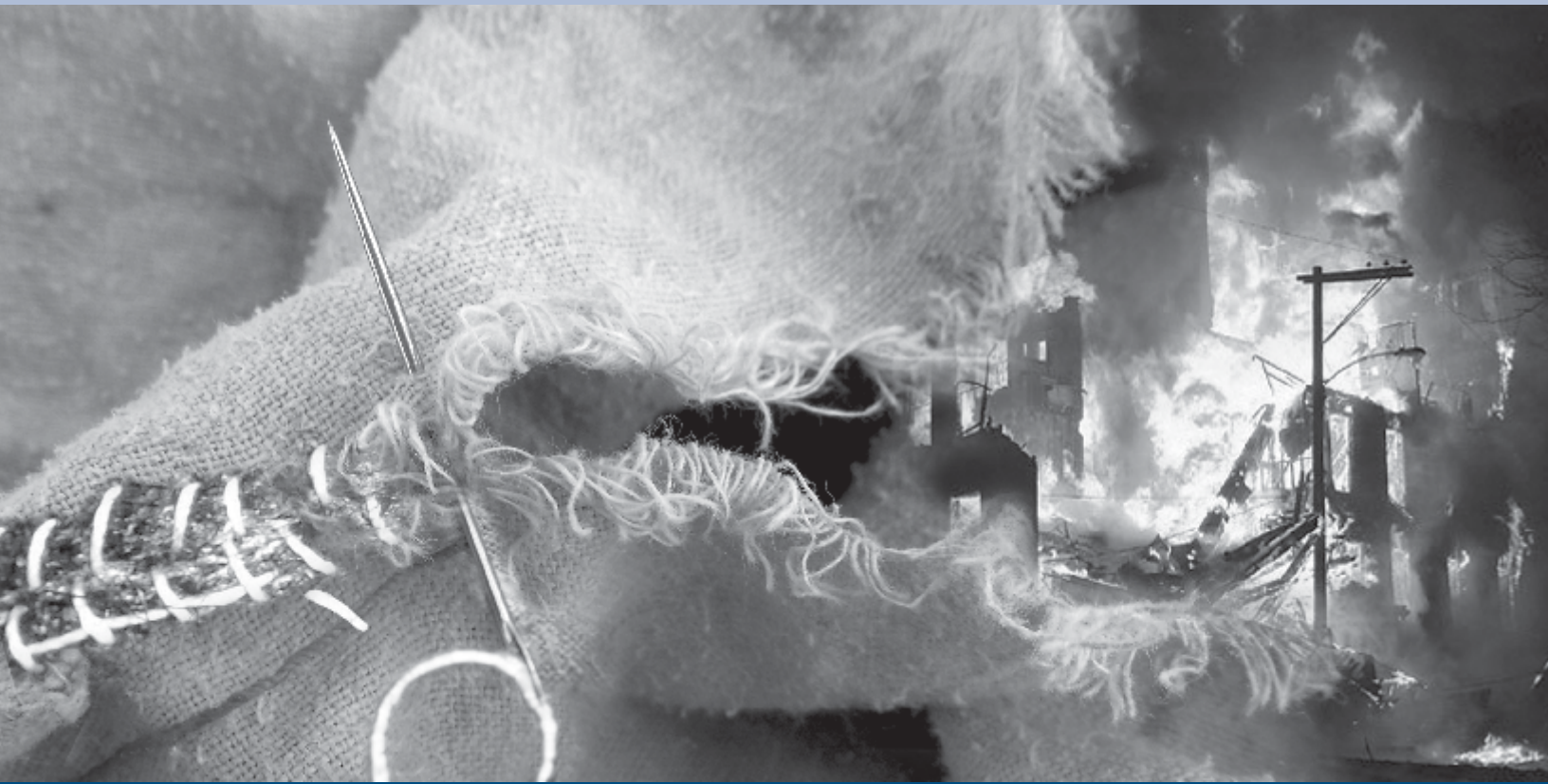


# Compensating Civilian Victims of Conflict and Terrorism in Pakistan



## A Review of Policy and Practice



Institute of  
Social and Policy Sciences

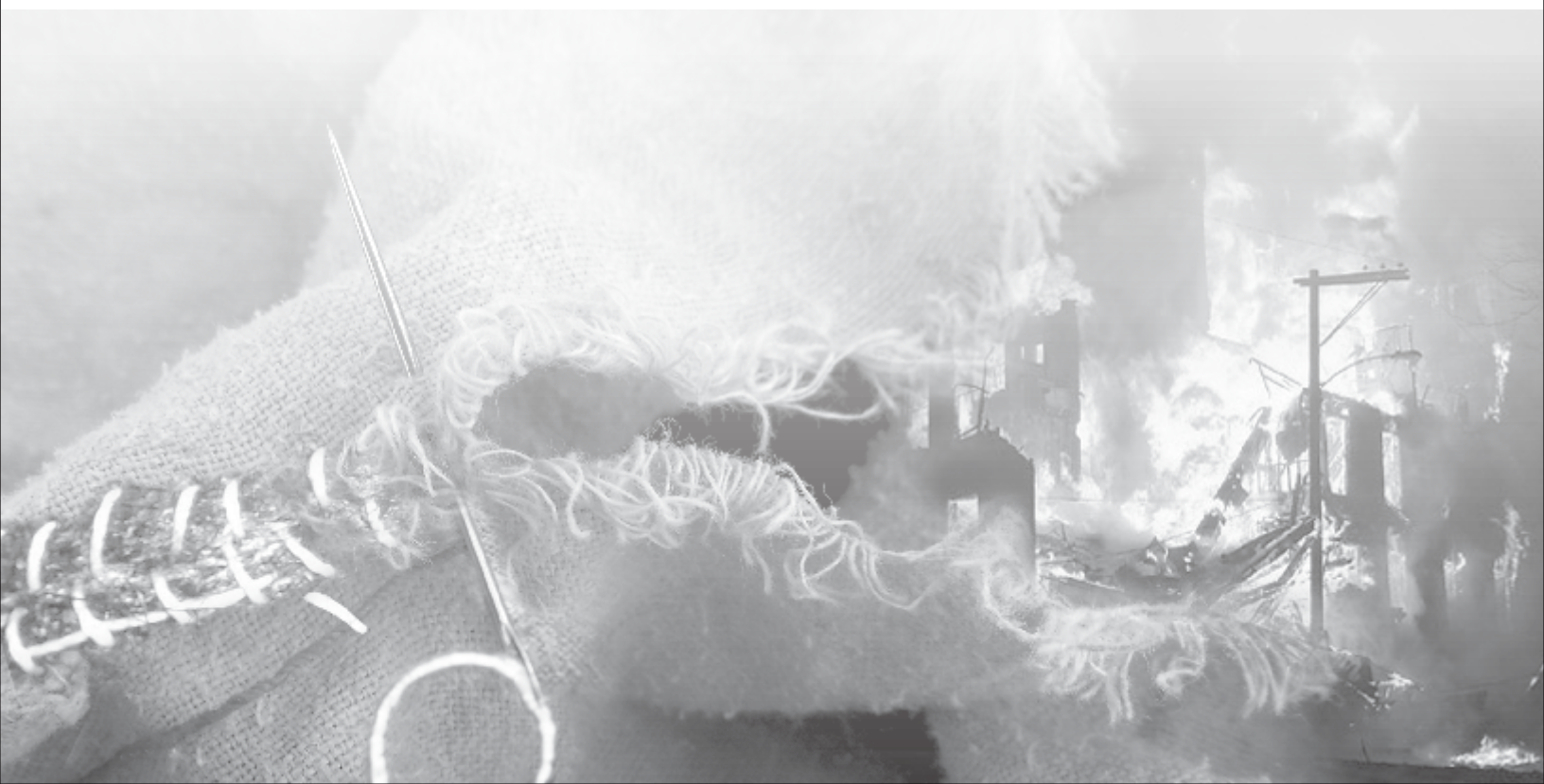


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Compensating Civilian Victims of Conflict & Terrorism:  
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# Foreword

Since 2006, a dreadful increase has been observed in the incidents of conflict and terrorism in Pakistan. It has caused huge suffering and loss to the civilian population. According to some estimates more than 20,000 civilians have lost their lives and over 100,000 have been injured in these incidents. The governments at Federal and Provincial levels have responded to the situation by providing monetary compensation to the victims of terrorist attacks. Award of financial compensation to the civilian victims of terrorism and conflict by the State is not only a recognition of the wrong done to them but an obligation to alleviate their suffering. Though, the financial compensation cannot redress the damage done to the victims but it is instrumental in mending it.

The review of monetary compensation programs indicates that the governments at federal and provincial tiers are trying their level best to address the damage suffered by the civilians. However, it also highlights a number of inadequacies in the existing system of providing monetary compensation. Foremost is the absence of a comprehensive policy and corresponding legislation for compensating the civilian victims of conflict and terrorism at federal and provincial levels. Besides, the shortcomings in the compensation programs, multiple issues exist at the implementation level. The report indicates that most of the victims and their families are unable to receive fair, appropriate and timely compensations under the existing arrangement. The issues faced by the civilian victims have not received focused attention from the civil society organizations, media and policy community. The absence of effective and organized demand from citizens and other stakeholders has also contributed to the continuation of perfunctory response by the Government.

In this context, Institute of Social and Policy Sciences (I-SAPS) undertook this study as part of a wider program that aims to sensitize and provide a range of policy options to the stakeholders for the establishment of transparent and effective compensation regime for civilian victims. The present work aims to provide evidence which can facilitate the establishment of a transparent, equitable and effective compensation regime for civilian victims. We look forward to candid feedback and suggestions from all stakeholders. We earnestly hope that the present review of the policies and programs will provide useful insights and an evidence base for an informed discourse and policy engagement on the issues faced by the civilian victims of conflict and terrorism.

Salman Humayun, Ph.D.  
Executive Director  
I-SAPS  
November 2011





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I-SAPS is grateful to Foundation Open Society Institute for supporting this research. We are particularly thankful to Erica L. Gaston for initiating this conversation and encouraging us to take on this challenge. We are also grateful to her for reviewing the early drafts of the report and offering valuable comments. Special thanks are due for Christopher Rogers for his participation during the policy engagement and extraordinary support in the preparation of the report. We are also grateful to Ms. Rachel Reid for her incisive comments on the draft report which contributed greatly to improving it. We are also indebted to Dr. Faisal Bari for his guidance throughout the course of this study.



# Acronyms

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ACS	Additional Chief Secretary
AJ&K	Azad Jammu and Kashmir
ATA	Anti Terrorist Act
CAT	Convention Against Torture
Cr. P. C	Code of Criminal Procedure
DG Khan	Dera Ghazi Khan
DCO	District Coordination Officer
DO(R)	District Officer Revenue
DDO (R)	Deputy District Officer Revenue
DPO	District Police Officer
FATA	Federally Administered Tribal Areas
FC	Frontier Corps
FIR	First Information Report
GB	Gilgit Baltistan
GoB	Government of Balochistan
GoGB	Government of Gilgit-Baltistan
GoKPK	Government of Khyber Pakhtunkhawa
GoP	Government of Pakistan
GoPunjab	Government of Punjab
GoS	Government of Sindh
H&TA	Home and Tribal Affairs Department
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

ICT	Islamabad Capital Territory
ISPR	Inter Services Public Relations
KPK	Khyber Pakhtunkhwa
LEA	Law Enforcement Agencies
MoI	Ministry of Interior
MoF	Ministry of Finance
MQM	Muttahida Qaumi Movement
NADRA	National Database and Registration Authority
NDMO	National Disaster Management Ordinance
SSP	Sipah e Sahaba Pakistan
UN	United Nations
VCF	Victim Compensation Fund

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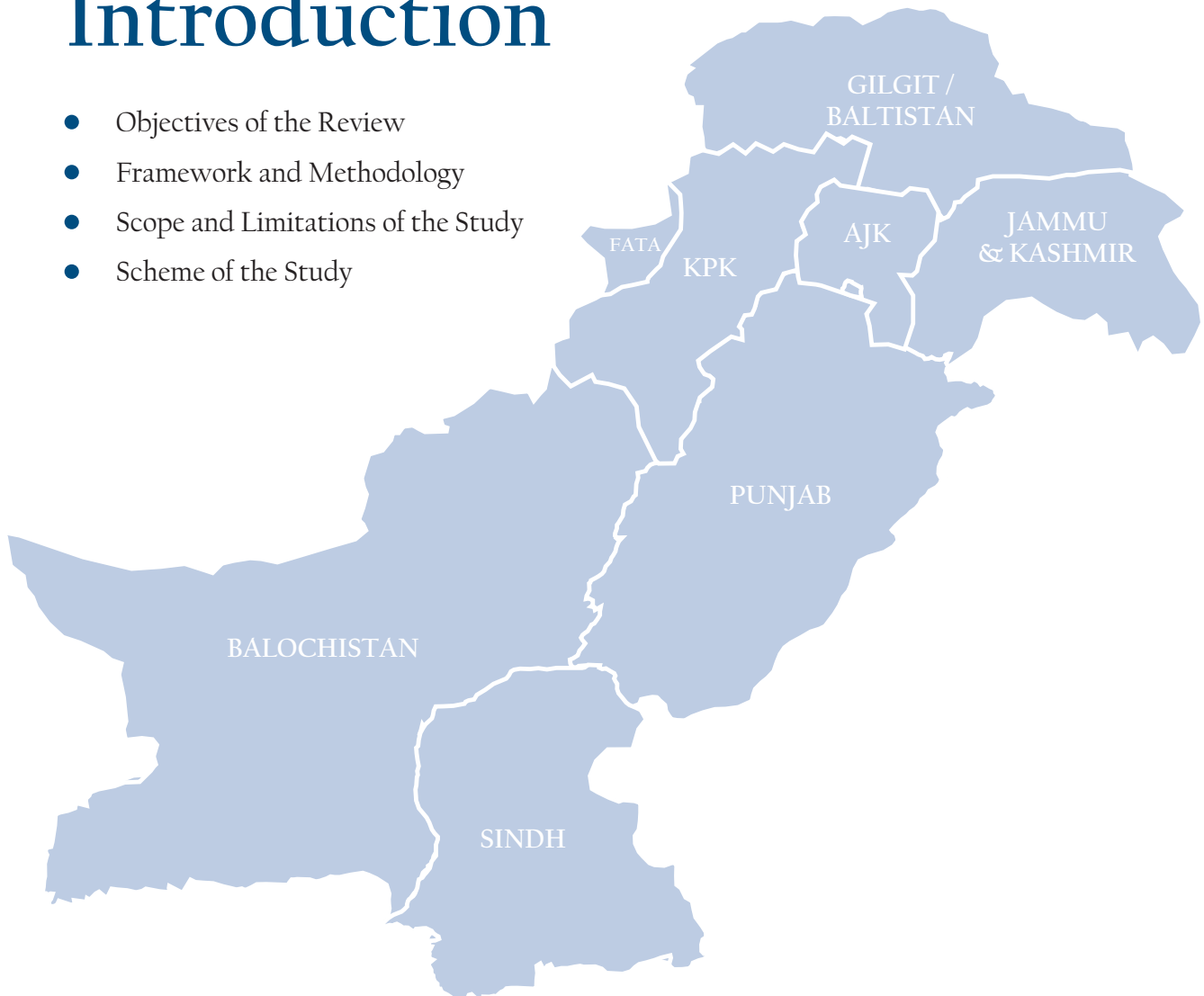
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# Introduction

- Objectives of the Review
- Framework and Methodology
- Scope and Limitations of the Study
- Scheme of the Study





# Introduction

Conflict and terrorism<sup>1</sup> continue to plague Pakistan. A significant increase in the frequency of suicide attacks, bomb blasts, targeted killings, as well as religious and sectarian violence not only weakens the state but also poses serious consequences for the country's civilians<sup>2</sup>. Representing soft and symbolic targets, civilians routinely find themselves on the receiving end of acts of violence that are intentionally waged against them. Elsewhere, they are often unwittingly caught in the firing line of those perpetuating such acts. Yet regardless of these distinctions, the result remains the same: every year thousands of Pakistani civilians lose their lives or suffer serious injuries at the hands of violent aggression. This is to mention nothing of the destruction and damage to civilian property annually that totals millions of rupees.

To date, the state has largely focused on tackling the perpetrators of violence as well as thwarting future attacks. Yet the profound human, political and economic fallout of conflict and terrorism in Pakistan cannot be ignored. The civilian population deserves an across-the-board commitment of support from the state that extends beyond security safeguards to include assistance for those directly affected, including, above all, financial compensation for personal losses incurred<sup>3</sup>. This has thus far not been a priority is evident from the inadequate policy and administrative measures undertaken by both the last and current regimes in the post-9-11 environment.

- 
1. The category of 'Conflict and terrorism' as used by Federal and Provincial governments includes incidents of Sectarian Violence, Suicide Attacks, Ethno-Political Conflict, Attacks on Law enforcement agencies, Bomb Blasts, Hand Grenade Explosion, Improvised Explosive Devices (IEDs), Mine Explosions, and Missiles & Rockets Fired etc. The same definition has been used for the current study.
  2. For the purpose of this report 'civilian' is defined as a non-combatant person who is not a member of:
    - a. organized armed forces, groups and units
    - b. a paramilitary or law enforcement agency
    - c. militant groups
    - d. militias or volunteer corps forming part of such armed forces
    - e. organized resistance movements
 The definition is based upon Article 43 & 50, Geneva Convention Protocol on Protection of Victims of International Armed Conflicts (Protocol I), 1977 and Article 4 A (1), (2), (3) and (6) of Geneva Convention (III) 1949
  3. In this report, compensation is defined as cash payments made by the federal and provincial governments, as a party to armed conflict, to non-combatant individuals or legal heirs for physical injury or death suffered as a result of terrorism or armed conflict. Such payments do not necessarily represent admissions of legal fault nor do they constitute a substitute for other legal means of recovering damages from responsible state or non-state parties for the harm suffered.

Conflict and violence are not new to Pakistan. Since its inception in 1947, the country has been confronted with a range of inter- and intra-state conflicts characterized by an amalgam of socio-economic, political, geo-strategic, ethnic and religious factors. However, post 2000 developments in the region – namely the shift in government policy toward Afghanistan prompted by support to the US-led coalition in that country – has exacerbated these existing tensions, culminating in increased militancy and terrorism in Pakistan, with civilians bearing the brunt of this violence.

More than 30,000 people have been killed as a result of rising conflict and terrorism since 9-11 (up to and including 2010), according to government estimates. The vast majority of casualties-21,672- have been civilians<sup>4</sup>. In addition, there has been a dramatic surge in the number of conflict- and terrorism-related incidents over the last five years, from 524 in 2006 to 2,387 in 2010 (Table 1), according to statistics from the National Crisis Management Cell<sup>5</sup> which falls under the purview of the Federal Ministry of Interior. The majority of those directly affected were civilians, which represented 76.3% of the total killed and 74% of the injured.

**Table 1: Conflict and Terrorism Related Incidents in Pakistan 2006-2010<sup>6</sup>**

Year	AJK	Balochis- tan	FATA	GB	ICT	KPK	Punjab	Sindh	Total
2006	3	139	256	1	0	55	41	29	524
2007	2	129	228	2	2	216	44	28	651
2008	2	211	199	0	5	244	47	19	727
2009	5	566	671	8	11	584	54	48	1947
2010	10	609	876	25	6	399	24	438	2387
Total	22	1654	2230	36	24	1498	210	562	6236

Pakistan's Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa and Balochistan provinces were the worst hit by militancy and terrorism during this period. More than two-fifths (40.98%) of terrorist activities and nearly half (45.72%) of the

4. Inter Services Public Relations (ISPR) [http://www.ispr.gov.pk/front/main.asp?o=t-real\\_story&id=12](http://www.ispr.gov.pk/front/main.asp?o=t-real_story&id=12)
5. The statistics provided by independent groups and media are often much higher than the figures provided by the Government Agencies, however this report for the purpose of analysis uses the data/statistics provided by the National Crisis Management Cell, Ministry of Interior, Government of Pakistan
6. National Crisis Management Cell, Ministry of Interior, Government of Pakistan

consequent fatalities (262) were reported in FATA. In 2010, 399 terrorism-related incidents were reported in KPK, leaving more than 1,200 civilians dead. KPK has been the worst hit by aggression not only in terms of civilian fatalities but also in terms of large-scale civilian displacement, totaling some four million people<sup>7</sup>. In the same year, Balochistan was hit by 609 terrorism-related acts of violence, which left 129 civilians dead and 682 injured, according to government data.

An important dimension of increased conflict- and terrorism-related violence over the last five years has been the significant escalation of suicide attacks since 2006. Seven such attacks were recorded in 2006 as compared to 79 in 2009. In 2010 there were 49 suicide attacks (Table 2). According to government estimates, 3,945 people have lost their lives in suicide attacks since 2006 while 8,420 have been injured. The majority of victims of these attacks have been civilians.

Civilians therefore face an ever-present threat to their lives and property due to the

**Table 2: Suicide Attacks in Pakistan 2006-10<sup>8</sup>**

Year	Suicide Attacks	Killed	Injured
2006	7	161	352
2007	54	775	1677
2008	59	893	1836
2009	76	949	2356
2010	49	1167	2199
Total	245	3945	8420

tactics employed by the perpetrators of violence, who often intentionally seek them out as soft and symbolic targets. The state has an obligation to safeguard its citizens against such aggression. If it fails to do so through preventive measures, then it must turn to providing financial compensation for losses suffered. This represents not only an expression of solidarity with the civilian population but also an act of compassion.

7 Internal Displacement Monitoring Centre, Global Overview 2010, December 2010, (By December 2010, according to international agencies, the number of IDPs in KPK had fallen to between 840,000 and 980,000 IDPs.) available at <http://www.internal-displacement.org/publications/global-overview-2010-asia-pakistan.pdf>

8 South Asian Terrorism Portal, Suicide Attacks in Pakistan, <http://www.satp.org/satporgtp/countries/pakistan/database/Fidayeenattack.htm>

Assistance of this kind is not a new idea. Governments across the world have increasingly developed mechanisms to provide compensation or ex gratia payments (payments not implying a legal obligation) to civilians affected by conflict<sup>9</sup>. They have done so through the adoption of legislative or executive measures either in anticipation of future terrorist attacks or else on an ad hoc basis after major terrorist incidents, periods of civil disturbance or mass atrocities<sup>10</sup>. Ex ante compensation schemes (anticipatory schemes) have also been prevalent after major terrorists events or periods of internal conflict<sup>11</sup>. Moreover, in a number of reported cases domestic courts have directed the state to pay compensation to civilian victims since “the inability of the State to provide for [a] secure environment,” violated the individual's right to life<sup>12</sup>.

The laws and procedures in Pakistan tend to focus on punishing the offender instead of providing relief or remedy to the victim. The same approach appears central in the policy and lawmaking for responding to extraordinary circumstances like conflict and terrorism. Over the years a number of laws and policy responses from the Pakistani state have emerged to respond to the incidents of conflict, strife and war. However most of these laws do not respond specifically to the needs of victims of conflict, a comprehensive response at both the Federal and Provincial levels has been lacking.

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9 Campaign for Innocent Victims in Conflict, *The Costs and Consequences of Civilian Losses in Afghanistan*, February 2009 ADD IN THE 2NDCIVIC REPORT, IRAQ REPORT, OTHERS (?)

10 France established an exclusive scheme for victims of terrorist attacks in 1986. Hans Jörg Albrecht and Michael Kilchling, *Victims of Terrorism Policies: Should Victims of Terrorism be treated Differently?* in *European Journal on Criminal Policy and Research* Volume 13, Numbers 1-2, 2007. Croatia enacted the Act on Responsibility for Damage Caused by Terrorist Acts and Public Demonstrations in 2003, which provides compensation in case of personal injury to or death of victims. OSCE, *Background Report: ECHR Adopts Decisions In 123 Cases Involving Croatia*, 29 JULY 2004. Spain has also adopted a law providing compensation to civilian victims of armed gangs and terrorist groups. CODEXTER Country Profile Spain (June 2006) <http://www.coe.int/gmt>

11 Zimbabwe government adopted a compensation scheme in response to the armed conflict of the 1990s. In Guatemala, the Comprehensive Agreement on Victims of Human Rights in Guatemala provided compensation for victims of violence during the Guatemalan Civil War. The US Congress adopted the September 11th Victim Compensation Fund of 2001 to compensate victims of the September 11 attacks. Bernhard A. Koch, *Report on Indemnifying Victims of Terrorism, A Comparative Survey for the European Committee on Legal Co-operation (CDCJ)*, European Centre of Tort and Insurance Law, Strasbourg, 27 November 2006.

12 In *Ashwani Gupta vs. Government of India and Ors*, the High Court of Delhi found that the State had an obligation to pay compensation to a civilian injured in a suicide attack; Disability India Network, *Compensations in Special Circumstances: Ashwani Gupta vs. Government of India and Ors*, <http://disabilityindia.org/issues/Compensations.cfin>. Several Israeli court decisions have permitted or called explicitly for compensation to Palestinians harmed by Israeli Defense Forces based on domestic constitutional law. Eli Asheknazi, *Court: State must compensate Palestinian wounded by IDF Fire*, HAARETZ, March 19, 2007; Yuval Yoaz, *Court eases compensation ban for civilians harmed by IDF*, HAARETZ, December 12, 2009.

In Pakistan, although compensation is not considered part of the state's responsibility, federal and provincial governments have<sup>13</sup> routinely provided monetary assistance to the victims of natural disasters, political violence, conflict and terrorism as a means of providing both redress and recognition of the losses incurred. The rise of militancy and conflict in the wake of the Pakistan government's decision to support Afghan groups resisting Russian invasion of Afghanistan 1979, resulted in adoption of a number of administrative measures by the provincial governments to compensate the victims of the ensuing violence. These measures, however, were implemented on an *ad hoc* basis, if at all.

During recent years, as conflict and competing forms of terrorism have spread across Pakistan, the federal and provincial administrations have again looked at developing frameworks and procedures under which financial compensation can be awarded to civilian victims. But, as in the past, this has been undertaken on a largely *ad hoc* and thus inequitable basis. Current policies, which are often driven by political expediency rather than due process and impartiality, violate the principle of equal treatment. Equally troublesome is the serious dearth of available information on how the compensation system operates—from the determination of compensation itself to identification of victims to subsequent processes of financial disbursement. This lack of procedural transparency raises concerns over ineffective financial management. Thus a closer examination of policy and practice is required to identify the existing challenges at federal and provincial levels. The identification of challenges will facilitate the establishment of a transparent, equitable and effective compensation regime for civilian victims of conflict and terrorism in Pakistan.

## Objectives of the Review:

This review examines existing policy, legislation and administrative procedures covering monetary assistance, while also looking at financial management of such payments. On the basis of research- and interview-based findings, the study sets out recommendations for the formulation of an efficient, equitable and transparent mechanism to govern compensation awards. The study also provides evidence for sustained advocacy with the government and civil society for addressing key issues and challenges faced by the civilian victims of conflict and terrorism in Pakistan.

## Framework and Methodology:

This study's research framework is based on the premise that the state, as the custodian of every citizen's life and property, has a responsibility to provide compensation for all losses incurred as a direct result of conflict and terrorism. The review is informed by

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13. In Pakistan law and order is principally an area of provincial jurisdiction.

principles enshrined in international treaties and covenants, as well as United Nations principles on victims' right to reparation and remedy<sup>14</sup>. Currently in Pakistan, as discussed below, no formal compensation policy or supporting legislation exists either at the federal or provincial level. The standards and implementation procedures under which these operate are examined according to the following four criteria:

1. Equal and effective access for victims:

Whether the existing framework provides equal and effective access to victims seeking remedy for harm suffered and/or losses incurred or not. Equal and effective access implies that victims can seek and secure remedy through formal institutions.

2. Adequate and prompt payment of compensation:

While compensation may not be equivalent to the actual loss incurred, it must be adequate. Similarly, the process should ensure prompt payment to victims and/or their families. Delays not only threaten economic hardship but may also cause those affected to endure a sense of additional victimization as well as alienation from the state.

3. Robust Grievance Redress Mechanisms/Appeals Process for the Victims:

Whether the existing framework provides formal instruments and recognized processes through which victims can seek resolution of grievances against compensation awards. These may include existing judicial, administrative, and/or political mechanisms.

4. Public Access to relevant information:

Whether the existing framework supports mechanisms to provide public access to supplementary information, including: methods for identifying and registering victims; standards and procedures for determining and awarding compensation; as well as tracking payments.

Official data from the Federal Ministry of Interior and provincial Home Ministries and Finance Departments provided the basis for this study's analysis of existing legal and financial frameworks governing compensation. To contextualize this data, officials from the aforementioned ministries and departments were interviewed, as were victims of conflict and terrorism and their experiences of securing compensation documented. Four

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14 General Assembly resolution 60/147 of 16 December 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; Article 14, United Nations Convention Against Torture, Article 8, Universal Declaration of Human Rights 1948, Article 2, International Covenant on Civil and Political Rights, Article 6, International Convention on the Elimination of All Forms of Racial Discrimination, Article II, Part VII,



victims of conflict and terrorism and/or their family members were selected from each province for this purpose. The key findings of information data and interviews were shared with relevant government officials, public representatives and members of civil society through five policy dialogues; Islamabad, Lahore, Karachi, Peshawar and Quetta each hosted one session. Input generated from these dialogues supplemented this study's research and provided the basis for recommendations in awarding compensation to civilian victims of conflict- and terrorism-related violence.

## Scope and Limitations of the Study:

The study's scope is limited to cash payments made by the state to individuals or families affected by conflict and terrorism through death or injury. Compensation for loss of or damage to property has been precluded from the evaluation; as has governmental or non-governmental assistance in the form of provision of food, amenities, gifts and tax waivers. Also beyond its scope are those areas within FATA and KPK where Pakistan Army operations are underway. This is in no way intended to downplay the prevalence of civilian victims there. But simply recognition of limited access to those regions and the subsequent challenges associated with accurate data collection. Many leading think tanks and non-profit organizations, such as Insight on Conflict (Peace Direct), Pakistan Conflict Monitor (Human Security Report), South Asia Terrorism Portal and Islamabad Policy Research Institute (IPRI), provide their own data on civilian losses in Pakistan. For the purpose of this study, however, only federal and provincial government data was used. Compensation payments to or by Pakistan's armed forces are not examined in this report. The framework for state compensation to law enforcement personnel is separate from that governing the civilian population, and is merely included in this study as a point of comparison over time<sup>15</sup>.

## Scheme of the Study:

The study is divided into seven sections, including the introduction. A section is dedicated to each of Pakistan's four provinces and its semi-autonomous tribal areas (FATA); with each exploring the key features of existing policies and processes through which compensation is awarded to civilian victims in those areas, as well as pinpointing current challenges toward this end. In its last section, the study presents its summary findings and outlines a set of recommendations for the future.

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15 The status of law enforcement agent in Pakistan as a civilian or combatant may depend on the circumstances. Though generally law enforcement personnel may be assumed to be civilians in a territory in which an armed conflict exists law enforcement agents may be considered part of the state's "armed forces" if they assume some of the functions of armed forces.





# Balochistan

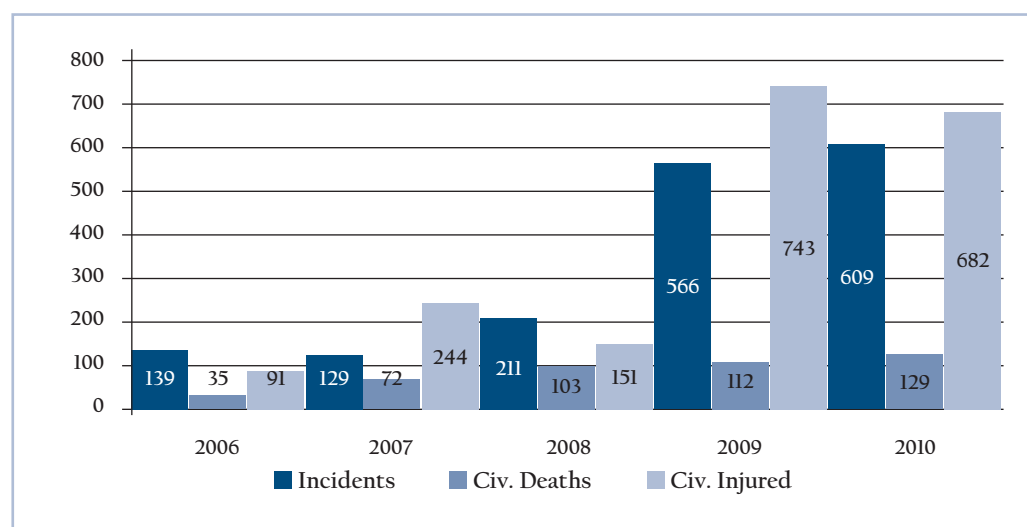
- Compensation for Civilian Victims of Conflict and Terrorism in Balochistan
- Process for Award of Compensation
- Financial Management of Award of Compensation
- Award of Compensation-Analysis of Process and Implementation



# Balochistan

Baluchistan has a longstanding history of political conflict and armed uprisings<sup>16</sup>. Political isolation and lack of socio-economic development have fuelled frequent uprisings and militancy in Baluchistan<sup>17</sup>. Consequently, the situation in Baluchistan has been more volatile than the other provinces, facing not only attacks by Tehrik-e-Taliban Pakistan (TTP) and allied militant groups but also a long-standing conflict between government forces and nationalist insurgents<sup>18</sup>. The conflict in Balochistan has intensified significantly in recent years with the number of incidents rising from 139 in 2006 to 609 in 2010. The number of civilians killed has also risen dramatically from 35 deaths in 2006 to 129 in 2010, with the number injured rising from 91 to 682.

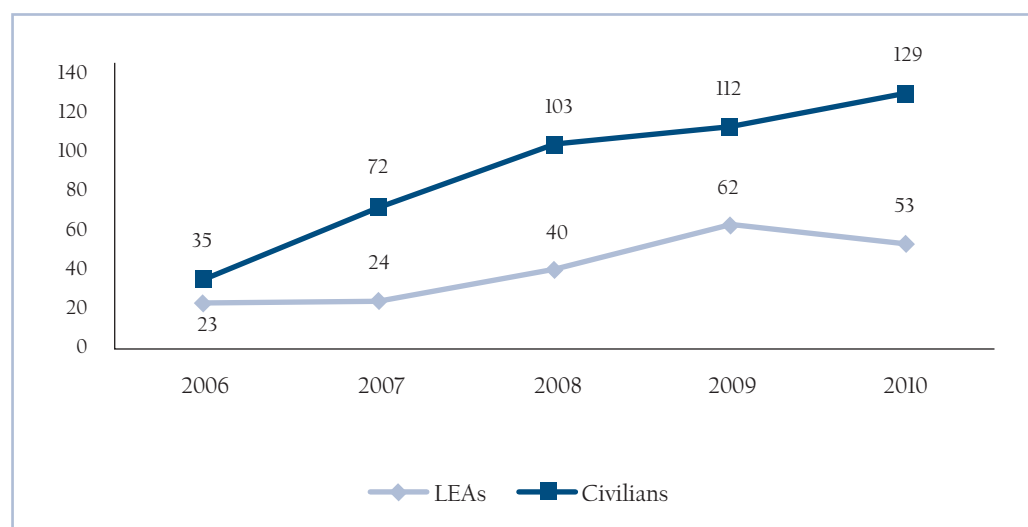
**Figure 1: Terrorism Related Incidents and Civilian Casualties in Baluchistan 2006-10<sup>19</sup>**



- 16 The Baluch nationalists first took up arms against the merger of Balochistan in One Unit (1958-9). The establishment of military bases in 1963-69 led to another armed uprising by the Marri tribes. The most significant conflict came in 1973 when the federal government led by Mr. Zulfikar Ali Bhutto, dissolved the provincial government and initiated an Army action in Balochistan.
- 17 Baixas Lionel, *Thematic Chronology of Mass Violence in Pakistan, 1947-2007*, Tuesday 24 June 2008. [http://www.massviolence.org/PdfVersion?id\\_article=112](http://www.massviolence.org/PdfVersion?id_article=112)
- 18 Human Rights Commission of Pakistan, *Conflict in Balochistan: Report of HRC fact-finding missions December 2005 - January 2006*; August 2006, Lahore
- 19 *Balochistan Liberation Army, Balochistan Liberation Front and Bugti Militia* are considered to be the key organisations carrying out the militant activities.
- 19 National Crisis Management Cell, Ministry of Interior, Government of Pakistan.

The conflict in Baluchistan has grown worse in recent years, especially after the killing of Nawab Akbar Khan Bugti<sup>20</sup> and Mir Balach Marri<sup>21</sup>. Nationalist groups have increased attacks on security forces, state property, public installations and civilians. In recent years sectarian militancy has also been on the rise. The September 3, 2010 bombing of Shia procession to observe Al-Quds day killed more than 73 people and injured more than 163<sup>22</sup>.

**Figure 2: Comparison of Civilian and LEAs Casualties 2006-10-  
Balochistan<sup>23</sup>**



As Figure 2 shows, civilian deaths from terrorism are significantly higher than the number of law enforcement personnel killed. Civilians in Baluchistan, who already suffered the brunt of the conflict, have faced new and increased risks since 2009 when Baluch nationalists started targeting non-Baluch civilian inhabitants, leading to an

20 Nawab Akbar Khan Bugti, former Chief Minister and Governor of Balochistan, was the head of the Bugti tribe. Mr. Akbar Khan Bugti was a leading figure of the resistance movement for independent Balochistan. He was killed in a skirmish with Army in his cave at Kohlu on August 26, 2006. ([http://news.bbc.co.uk/2/hi/south\\_asia/5290194.stm](http://news.bbc.co.uk/2/hi/south_asia/5290194.stm))

21 Balach Marri was son of prominent politician Nawab Khair Bakhsh Marri. Balach Marri headed militant tribal organisation fighting for an independent Balochistan called Balochistan Liberation Army (BLA). Mir Balach Marri was killed on November 21, 2007 in Afghanistan. [http://news.bbc.co.uk/2/hi/south\\_asia/7106270.stm](http://news.bbc.co.uk/2/hi/south_asia/7106270.stm)

22 Traditionally Al-Quds processions are held every year by Shia Muslims on the last Friday of holy month of Ramadan to express solidarity with the Palestinian people and opposing Israel's control of Jerusalem. On September 3, 2010 the rally in Quetta was hit by two suicide attacks at the Maizan intersection. The attack resulted in killing of more than 73 people and injuring more than 163. [http://news.xinhuanet.com/english2010/world/2010-09/04/c\\_13477555.htm](http://news.xinhuanet.com/english2010/world/2010-09/04/c_13477555.htm)

23 National Crisis Management Cell, Ministry of Interior, Government of Pakistan

exodus of non Baluch residents from various areas of the province<sup>24</sup>. At the same time media and human rights groups are expressing their concerns that government agencies are engaged in targeting of the civilians, kidnappings, and assassinations of nationalist sympathizers<sup>25</sup>. Targeted killings of non-Baluch civilian professionals and settlers as well as killing of law enforcement agency (LEA) personnel in the province have also grown at an alarming rate since 2007. Table-1 highlights the magnitude of the violence besetting the province.

**Table 3: Targeted Killings in Balochistan<sup>26</sup>**

Target	2007		2008		2009		2010 (August)	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Teachers	0	32	05	02	04	01	05	05
Settlers	10	0	38	56	75	124	90	116
Sectarian	0	271	15	05	39	17	27	40
Other (Civ.)	101	89	168	384	112	61	31	153
LEAs	57	392	104	236	103	247	57	141
Total	168		330	683	333	1007	210	448

## Compensation for Civilian Victims of Conflict and Terrorism in Balochistan:

The first national anti-terror legislation, Suppression of Terrorist Activities Act 1975, was a response to the conflict in Baluchistan between the nationalists and the government in the 1970s. However, the legislation dealt with criminal punishments for the perpetrators and did not make provisions for compensating civilians harmed in the conflict.

Despite ongoing conflict in the province, there was no specific policy or programme for making amends to the civilian victims of conflict and terrorism until 2005. By then, increasing incidents of terrorist attacks, sectarian killings and targeted killings led to the formulation of specific measures for award of compensation to civilian victims

24 Declan Walsh, Pakistan's secret dirty war, <http://www.guardian.co.uk/world/2011/mar/29/Balochistan-pakistans-secret-dirty-war>

25 Human Rights Commission of Pakistan, Conflict in Balochistan: Report of HRC fact-finding missions December 2005 - January 2006; August 2006, Lahore.

26 Statistical Officer, Home and Tribal Affairs Department, Government of Balochistan.

of conflict and terrorism<sup>27</sup>. Although GoB used to award compensation grants in miscellaneous cases there was previously no clear or consistent provincial policy for compensating the civilian victims.

**Table 4: Compensation for Civilian Victims 2005<sup>28</sup>**

Serial No	Type of Loss	Compensation
1	Deceased	Rs. 200,000
2	Injured	Rs. 50,000

Though there were certain measures for awarding monetary rewards and compensation for death and injury for the personnel of LEAs the compensation regimes for the civilian victims was introduced for the first time in 2005. The provincial cabinet in its meeting held at Loralai on December 11, 2004 decided to award compensation to the civilian victims of violence and terrorism. The details for the awards were notified by the Home and Tribal Affairs Department in March 2005. The policy stipulated compensation for the loss to person and property of civilians as a result of breakdown of law and order, sectarian violence and sabotage activities.

**Table 5: Revised Compensation for Civilian Victims 2007**

Serial No	Type of Loss	Existing Rates of Compensation	Revised Rates of Compensation
1	Dead	Rs. 200,000/-	Rs. 400,000/-
2	Injured	Rs. 50,000/-	Rs. 100,000/-

The worsening law and order situation and especially the rise in targeted killings forced the GoB to revise this compensation policy in 2007. The revised policy included the civilian victims of terrorist activities as beneficiaries, reflecting the increase in terrorist activities in the province. The revised policy also increased twofold the existing compensation for the dead and injured<sup>29</sup>.

27 Interview with Mr. Akbar Durrani, Secretary Home and Tribal Affairs Department, Government of Balochistan, September 14, 2010.

28 Notification number NO.SO (STAT:)2(80)/205-397-481 dated on 14th March, 2005.

29 Notification No. US(pol-1)I-4(comp)/2008/675, dated June 12, 2008, increased the compensation for victims losing their lives due to break down of law and order, sectarian conflict, or terrorist activities.



It is useful to compare these civilian compensation standards with those created during the same period for law enforcement and civil servants killed or injured in terrorist incidents or political violence. Standards for compensation have consistently been higher for law enforcement personnel and civil servants, and the guidelines governing award have been revised more frequently. In 2009 the GoB introduced special administrative measures to compensate civil servants and the LEA personnel. These were aimed at mitigating the fears of civil servants, and professionals e.g. professors, doctors etc. who were being targeted by Baloch nationalists. The compensation for the personnel of LEAs was also enhanced substantially. It is noteworthy that the compensation for the LEA personnel killed on duty was enhanced twice in 2009; first it was increased to Rs. 500,000 in May 2009<sup>30</sup> and later on it was revised after only three months to Rs. 1000,000 in September 2009<sup>31</sup>. Similarly the compensation for the civil servants other than LEA personnel was increased to 500,000. The growing unrest and worsening law and order situation in Balochistan forced the GoB to again amend the existing standards of compensation for the LEAs and civil servants the following year. In April 2010, compensation for the LEAs and civil servants was enhanced to 2000,000<sup>32</sup>.

## Process for Award of Compensation:

Interviews with survivors and victims indicate that the process for award of compensation in Balochistan is complex and time consuming, involving multiple departments at local and provincial levels. At the local level the process includes DCO (District Coordination Officer) Office, local Police Department, and Health Department. At the provincial level compensation is overseen by the Home and Tribal Affairs Department, Finance Department, Accountant General and Office of the Chief Minister.

As a standard procedure the local police register a First Information Report (FIR) on occurrence of an incident. The stipulated process for award of compensation initiates with convening of the meeting of District Compensation Committee (DCC) by the local DCO on basis of the FIR. The DCO, District Police Officer and Medical Superintendent of District Headquarter Hospital are included in the DCC. The DCC carries out the review of the causes of incident and recommends the amount of compensation for the victims to Home and Tribal Affairs Department. Home and Tribal Affairs Department prepares a summary for the Chief Minister on receipt of the recommendations of DCC. It is observed that the local authorities do not initiate the compensation cases timely and the victims have to seek political interventions. Moreover, the stipulated process is often not followed. The discussion with the H&TA officials indicates that owing to political expediency the process may circumvent the

30 Notification No: FD (RII) VII-II/09/1044-1244, dated May 26th 2009

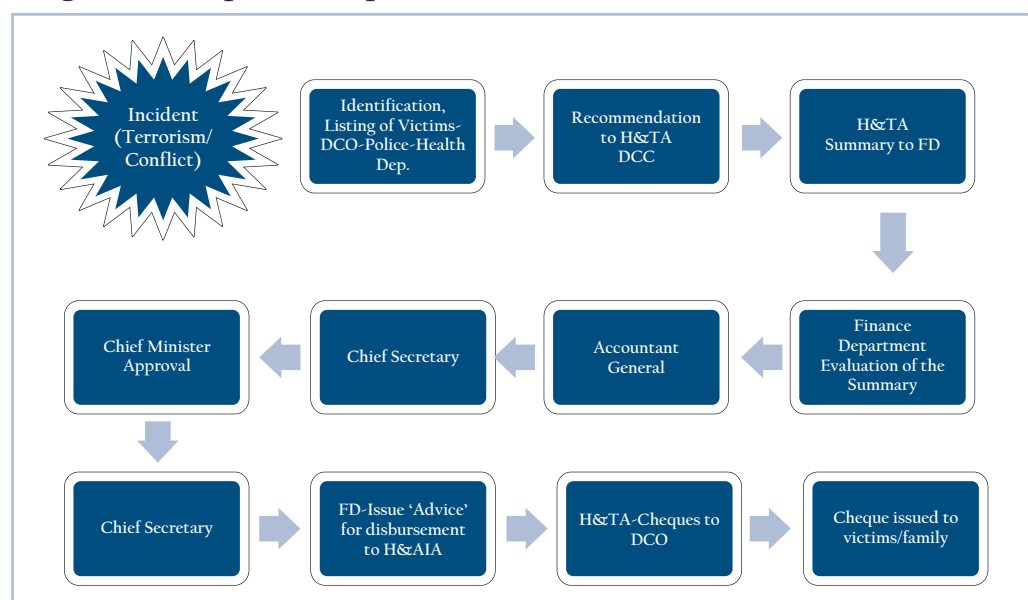
31 Notification No: FD (RII) VII-II/09/1454-1654, dated September 09th 2009

32 Notification No: SO(Pol-I) 5-33(comp)/2010/2367-741, dated April 27th 2010

initial stage. In the case of target killing of four civilians on 28 May 2008 in Quetta<sup>33</sup> the process was not initiated until Chief Minister issued directives and only then was a case for award of compensation prepared by the H&TA department.

The H&TA department forwards the summary to the Finance Department for review, assessing availability of finances, and allocation of funds. The summary is then routed to the Chief Minister through the office of the Chief Secretary. On approval from the Chief Minister the summary is forwarded to Chief Secretary for implementation of the orders. The sanction order or “Advice” is issued by Finance Department for the permission to disburse the compensation by the Home and Tribal Affairs Department. H&TA prepares the cheques and issues the ‘Release Order’ to the concerned DCO for disbursement of the compensation to the victims or their families.

Figure 3: Compensation process Balochistan



## Financial Management of Award of Compensation:

Balochistan has a common pool of resources for providing grants for various purposes, and the civilian victims of conflict and terrorism are provided grants from the same pool.

<sup>33</sup> On 28 May 2008, unknown miscreants opened indiscriminate firing on four innocent civilians near Railway Guard Colony, Joint Road Quetta, resulting into their deaths; to be Mr. Israr Ahmad s/o Ibrar Ahmed, Mr. Waqar Ahmed Khan s/o Abdul Samad Khan, Mr. Muhammad Iqbal s/o Muhammad Anwar and Mr. Abdul Kamal s/o Abdul Saeed. The process for award of compensation was initiated after the issuance of CM directive U. O. No. PS-CM/1-1/2008/2307, dated July 7, 2008.

Thus making it difficult to quantify the actual amount marked for the civilian victims and its tracking. With the increased number of casualties, the provincial government has started to budget separated funds in the Home and Tribal Affairs Department under the functional head 036101-Home and Tribal Affairs Department, object classification A052Grants Domestic-059 Grants for Compensation. This would be an improvement except that the funds allocated under this account are not only utilized for compensating the civilian victims they are also used for miscellaneous expenditure including compensation for LEA personnel.

**Table 6: Compensations Allocations & Expenditure<sup>34</sup>**

Year	BE	RE	Expenditure	Balance/ Surrender
2006-07	10,000,000	55,000,000	NA	NA
2007-08	10,000,000	-	NA	NA
2008-09	60,000,000	60,000,000	60,000,000	Nil
2009-10	80,000,000	80,000,000	790,88,906	911094
2010-11 (27-08-2010)	60,000,000		1,153,0000	48,470,000

In addition to making tracking more difficult, the lack of a dedicated budget line for compensation to civilian victims of conflicts and terrorism means that all the cases of compensation come from a central fund the common pool of resources at the provincial level, and have to be approved by the Chief Minister. Moreover, the provision of discretionary grants is also utilized by the Chief Minister and Governor for award of compensations, typically in cases of compensation for property damage.

A dedicated budget line for compensation to civilian victims of conflict and terrorism will not only simplify the process but will also make the process more transparent. The data indicates that budgetary allocation for compensation was increased from 10 million to 60 million in FY 2008-09 and was raised to 80 million in the next financial year 2009-10. The increase can be attributed to deteriorating law and order situation in the province due to insurgency, target killings and terrorist attacks. It is however striking, that although there was no significant improvement in the law and order situation and terrorist threat in the past year, the budgetary allocation in the current financial year was actually scaled down from 80 million to 60 million.

34 Home and Tribal Affairs Department, Government of Balochistan

## Award of Compensation-Analysis of Process and Implementation:

Although the government has undertaken a number of measures to address the significant level of civilian losses from conflict and terrorism, serious deficiencies exist. The absence of a comprehensive policy and legal framework for determination and award of compensation to civilian victims creates significant problems.

### **I. Lack of a Comprehensive Policy and Legislation for Compensation:**

The analysis of the compensation regime in Balochistan highlights the absence of a comprehensive policy and corresponding legislation for award of compensation to civilian victims. The deficiency feeds into multiple issues ranging from defining the civilian victims, identification of roles and duties of different departments, stipulation of time period, process of verification, standards for compensation and establishing mechanisms for redressing grievance of victims and their families.

### **II. Failure to Follow a Uniform Procedure:**

Although the procedures for processing compensation cases have been set out by government notification, officials frequently fail to follow them. Typically the summary for the award of compensation should be initiated by the DCC. However, on numerous occasions, such as the targeted killing of four civilians in Quetta on May 28, 2008, the summary was instead initiated by the Home and Tribal Affairs Department at the direction of the Chief Minister. By contrast, in the case of the killing of three Pakistani nationals<sup>35</sup> as a result of firing by the Afghan forces, the summary was prepared and approved by the DCC of the relevant district.

The failure to follow a uniform process results in differential treatment of citizens, and limits the ability of survivors and the families of the victims to initiate, access, or even track the process for award of compensation.

### **III. Political Influence:**

Most of the cases examined and the input from the interviews with the district authorities and H&TA officials indicate that the political influence does play a significant role from determination to disbursement<sup>36</sup>. In the case of targeted killing of four civilians in Quetta in May 2008, the compensation was announced

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35 On 31<sup>st</sup> December 2009, three shepherds (Abdul Malik s/o Gul Din, Mohammad Rasool s/o Haji Sarfraz and Saifuddin s/o Haji Shah Masood) were killed as a result of indiscriminate firing by the Afghan Border Forces near the bordering area near Qamar Din Karez, in Zhob district.

36 Interview with Zafar, DS Adm. H&TA, September 15, 2010.

by the Chief Minister on the very day of the incident. However, nothing followed, but when the families approached the Chief Minister, he ordered the case to be processed. The claim process was initiated after the directions of the Chief Minister.

In the case of killing of three civilians by the cross border firing by the Afghan forces in Zhob, The award of compensation process took off after the local MPA, Jaffar Khan Mandokhel, informed the Chief Minister of the incident and he subsequently ordered the award of compensation resulting in the start of the proceedings from the DCC at district level. The evidence from the field and the interviews with the victims and officials of the H&TA department indicate that most of the times cases for award of compensation are initiated after the victims are supported by politically influential.

#### IV. Long Delays:

The process for the award is lengthy and the evidence suggests that on the average, the process from determination to disbursement takes at least four months and in some cases can take more than six months. In the case of targeted killing of four civilians on May 28, 2008 in Quetta the bereaved families got the compensation after four (04) months twelve (12) days<sup>37</sup>. The announcement for compensation was made by the Chief Minister on the date of the incident, May 28, 2008. The case of compensation was however initiated only after the families of the victims approached the Chief Minister. The directions were issued for initiation of the claim on July 7, 2008, but Home and Tribal Affairs Department took one more month to initiate the summary (August 06, 2008). The compensation was finally given to the families of the deceased on September 10, 2008. It is important to note that after the initiation of the process it took only a month to complete. Whereas, in case of killing of three civilians in Qamar Din Karez, Zhob on December 31, 2009, the process of award of compensation took about seven months. Delayed initiation of the process (about two months) was one of the key contributing factors in this case<sup>38</sup>.

The H&TA officials in key informant interviews, agreed that there were frequently delays and were of the view that the complexity of the process and non-availability of dedicated funds contribute to the delays. However, in the policy dialogues the participants attributed these delays towards absence of a coherent policy and non conformity with the existing mechanisms, resulting in resorting to political leaders for facilitation<sup>39</sup>. The evidence highlights a serious

37 Notification No: S.IV/2008-2009/468-70

38 The case was initiated on February 18, 2010.

39 Policy Dialogue on Compensating Civilian Victims of Conflict & Terrorism: Analysis of Policy and Practice in Balochistan, January 6, 2011

challenge of having a timely and responsive mechanism for award of compensation to the civilian victims.

**V. Lack of Dedicated Budget Line:**

There is no dedicated budget line for compensation to civilian victims of conflicts and terrorism. As a result every case of compensation has to be sent to the Chief Minister for approval. The approval of award of compensation amount by the Chief Minister delays the process of payment. Along with it makes the whole system of award of compensations prone to political influence.

The lack of a dedicated budget stream is an even greater concern as it makes it difficult to track the payments, creating issues of accountability and transparency in the disbursement of funds. A steady flow of finances is essential to ensure an efficient and effective award of compensation and in absence of a dedicated budget line allocative efficiency cannot be ensured.

**VI. Lack of Credible Data:**

Availability of credible data regarding the nature and type of incidents, casualties, and injured is a serious concern. Even the available data of provincial government and the federal government are at variance. Similarly, when compared with independent national and regional organisations working on conflict and terrorism the difference is even greater, as highlighted in the following table. The difference in data of government agencies and external organisations such as HRCP, SATP and other non-governmental organisations can be attributed to the definition of “civilian” and the source of information. Most of the national and international organization's data source is news reports thus making it susceptible to error and inconsistencies. However, the most serious issue which needs to be addressed is the inconsistency between the

**Table 7: Data Discrepancies-Balochistan**

Source	2006	2007	2008	2009
H&TA	45	24	102	108
NCMC	139	172	103	112
SATP <sup>40</sup>	226	124	130	148

40 H&TA: Home and Tribal Affairs Department, Government of Balochistan; NCMC: National Crisis Management Cell, Ministry of Interior, Government of Pakistan; SATP: South Asian Terrorism Portal;

federal and provincial statistics, on primary data such as number of total incidents in a given time, total number of victims, etc.

#### **VII. Denial of Compensation on Questionable Technicalities:**

Even though officials frequently contravene official procedure in the provision of compensation, in at least one serious case, the victims were denied compensation on the basis of a technicality<sup>41</sup>. On September 03, 2010, the Al Quds Rally attended by Shia Muslims was attacked by a suicide bomber, killing 73 people and injuring 163. The victims of the suicide attack were ultimately denied compensation on the grounds that the procession had deviated from the approved course and only then was hit by the suicide bomber. This case raises serious questions about the implementation of the GoB compensation policy. There appears no requirement in the compensation policy that victims adhere to requirements such as following the approved processional routes. Moreover, denying compensation on such grounds appears unfair and discriminatory given the government's own failure to adhere to official procedures in providing compensation.

#### **VIII. Complicated Process and Involvement of Multiple Government Offices:**

There are at least six different offices, each within separate departments, which are directly or indirectly involved in the process. The sheer number of stages, makes the process for award of compensation complicated and time consuming. Furthermore, despite the existence of notified standards and procedures for compensation, these are often overlooked in practice. It is even more difficult for victims to understand the process and predictably access or track the compensation.

#### **IX. Failure to Distinguish Serious and Minor Injuries:**

The compensation framework in Balochistan only provides a single category of 'injured' in case of civilian victims of conflict and terrorism. The category groups together the victims with grievous injuries and incapacitation with the victims having minor injuries and provides for a compensation of only Rs. 100,000. By contrast, the policy<sup>42</sup> for award of compensation to LEAs and civil servants does take account of the distinction between major and minor injuries; providing Rs. 500,000 for major injuries and Rs. 100,000 to Rs. 200,000 for minor injuries.

#### **X. Exclusion of Victims from Compensation:**

There are a number of civilian victims who are unable to access financial

41 Interview with Mr. Akbar Durrani, Secretary H&TA, Government of Balochistan September 14, 2010. Mr. Durrani acknowledged that H&TA on a number of occasions did not follow the laid down procedure for award of compensation to the civilian victims of conflict and terrorism

42 Notification No: SO(Pol-1) 5-33(comp)/2010/2367-741, dated April 27<sup>th</sup> 2010



assistance. It is less likely that those who are killed or injured by LEAs actions will be compensated. This happens in two scenarios: civilians who got injured or killed in cross fire, collaterally or incidentally to LEA actions against insurgents; or the civilians who got killed or harmed directly targeted by misjudgment. In most of the cases the government authorities refuse to acknowledge the victims. The victims are often treated as combatants regardless of the circumstances surrounding the incident or any evidence of their own innocence<sup>43</sup>.

**XI. Public Access to Relevant Information:**

There is no system at district or at provincial tier to provide public access to information regarding the process of award of compensation or the status of claim which is being processed. Due to the involvement of multiple public offices it becomes very difficult for the victims or their families to track the status of the claim.

**XII. Absence of Grievance Redress Mechanisms/Appeals Process for the Victims:**

The present framework for award of compensation in Balochistan does not provide institutions or mechanisms that address grievances of victims, including any appeal against the administrative decisions. Civilian victims have no dedicated forum to turn to for the remedy in cases where victims are not listed, there is irregularity in determination of legal heirs of the deceased, or there are concerns regarding the procedure and timeliness of payment.

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43 Interview with officials Home and Tribal Affairs Department, Government of Balochistan, September 15, 2010  
Human Rights Commission of Pakistan, Conflict in Balochistan: Report of HRC fact-finding missions December 2005 - January 2006; August 2006, Lahore





# Khyber Pakhtunkhwa

- Compensation for Civilian Victims of Conflict and Terrorism in KPK
- Process for Award of Compensation
- Financial Management of Compensation
- Award of Compensation-
- Analysis of Process and Implementation

LGIT /  
TISTAN

AJK

JAMMU  
& KASHMIR

PUNJAB

BALUCHISTAN

SINDH



# Khyber Pakhtunkhawa

Civilians in the Province of Khyber Pakhtunkhawa (KPK) have been hardest hit by conflict and terrorism in terms of the scale of civilian casualties<sup>44</sup>. Since 1980s, Pakistan's support for Afghan groups fighting against the Russian occupation of Afghanistan led to frequent attacks and bomb blasts in KPK, especially in its capital, Peshawar. In one such blast, the then sitting Governor of KPK lost two of his family members. The provincial government at that time had no policy to compensate or provide financial assistance to the victims of terrorist activities. KPK entered a new era of conflict following 9/11 and the US led international incursion in Afghanistan. Militancy quickly spread in the region and eventually militant outfits exerted control over large areas of territory, thus prompting the Pakistani Government to initiate military action in selected areas of the province.

Military action against the militant groups provoked retaliatory attacks on Pakistani forces as well as civilians throughout KPK. The Tehrik-e-Taliban Pakistan (TTP) took over administrative control of five districts of Malakand Division in 2009. The Government of Pakistan launched a large-scale military operation<sup>45</sup> in May 2009 to reclaim those areas. The conflict resulted in displacement of millions of people and killing and injuring thousands of civilians<sup>46</sup>.

Militants in KPK have resorted to terrorism, not only against military targets, but frequently targeting the civilian population. In recent years, the number of terrorist attacks has risen at an alarming rate—from sixty (60) attacks in 2006 to a devastating level of 1,137 in 2009 (Table-6).

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44 Federally Administered Tribal Areas (FATA) comprise of seven tribal agencies and six frontier regions, it is situated along the north-western border of Pakistan adjoining the province of KP on one side and Afghanistan on the other,. Since 2001, the upheavals in Afghanistan, the internal conflict, Army action and drone strikes have affected millions of civilians in FATA. Thousands have lost their lives, or are injured, similarly the number of internally displaced is in millions. However the magnitude of loss to civilians is not well documented. FATA is not included in the scope of present report; however a recent insightful report by CIVIC international explores the extent of loss and suffering by the people of FATA. <http://www.civicworldwide.org/storage/civicdev/documents/civic%20pakistan%202010%20final.pdf>

45 Operation Rah-e-Rast

46 <http://www.un.org/apps/news/story.asp?NewsID=34542>

Table 8: Terrorist Attacks in KPK 2006-2010\*<sup>47</sup>

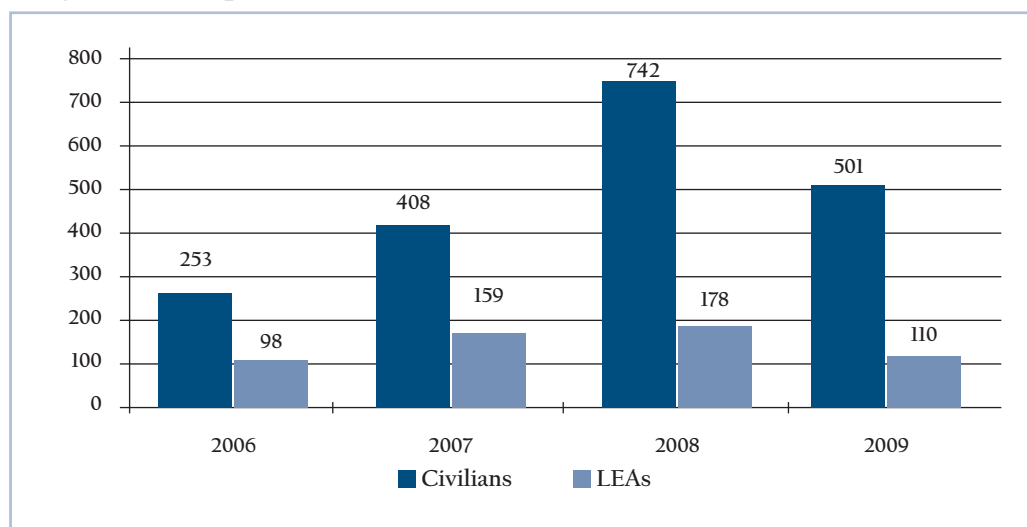
Year	Number of Attacks	Killed	Injured
2006	60	139	303
2007	460	1096	1595
2008	1,009	982	1735
2009 <sup>48</sup>	584	1,094	3433
2010	399	611	1,548

\* FATA not included

Militant attacks have resulted in a large number of civilian as well as LEA Casualties with the number of civilians killed being far greater than that of LEAs (Figure 4)<sup>49</sup>. Similarly the number of civilians injured in militant attacks is much higher than the LEA personnel, with the total number of civilians injured in terrorism or conflict-related incidents increasing dramatically from 592 in 2007 to 2714 in 2009 (Table-9).

The data also indicates that the civilians bear the heaviest cost from suicide attacks and other terrorist activities such as bomb blasts, IED explosions and suicide attacks, with 1,274 civilians injured compared to 274 LEAs in 2010.

Figure 4: Comparison of Civilian and LEAs Casualties 2007-10 KPK



<sup>47</sup> Home & Tribal Affairs Department, Government of KPK

<sup>48</sup> Data for 2009 & 2010 is from NCMC, Ministry of Interior, Government of Pakistan

<sup>49</sup> Home & Tribal Affairs Department

Table 9: Civilians and LEA Casualty Figures 2007-10

Year	Injured		
	LEAs	Civ.	Total
2007	203	592	795
2008	313	885	1198
2009 <sup>50</sup>	719	2714	3433
2010	274	1274	1548

## Compensation for Civilian Victims of Conflict and Terrorism in KPK:

Until 2009, the GoKPK compensated civilian victims of conflict and terrorism and conflict according to the compensation standards provided under the West Pakistan National Calamities (Relief and Rehabilitation) Rules 1969<sup>51</sup>. Under these rules the compensation rates for killed and injured were fixed at 100,000 and 50,000 Rupees respectively. The increasing frequency of militant and terrorist attacks led to notification of a separate set of standards and procedures for provision of compensation to the civilian victims of terrorism in 2009. The standards and procedures for award of compensation became effective from June 27, 2009 (Table-10), which increased the compensation award for the killed and injured to Rs. 300,000 and Rs. 100,000 respectively.

Table 10: Civilian Compensation 2009<sup>52</sup>

No	Nature of loss	Amount of Grant
1	Death	Rs. 300,000
2	Permanent incapacitation	Rs. 200,000
3	Seriously injured	Rs. 100,000

50 Data for 2009 and 2010 from NCMC, MoI, GoP

51 The legislation and rules providing standards for compensating the killed and injured were intended for the victims of natural disasters, however, the same standards were used analogously for compensating victims of Conflict and Terrorism by the GoKP.

52 Finance Department Notification # FD(SOR)4.199/2009 dated June 27, 2009

The increasing militant attacks and assassinations targeting the Police Department and civilian government officials led the provincial government to adopt separate measures for the civil servants and police, with compensation amounts also being increased in 2009. As the number of casualties in the Police Department increased, especially in the Malakand Division, large scale desertions became a significant problem for the Government.<sup>53</sup> In response, the Government separated the compensation package for police from other civil servants and increased compensation rates for police personnel. Compensation for death was increased to Rs. 1,500,000 from Rs. 1,000,000, and then again from Rs. 1,500,000 to Rs. 3,000,000 within a period of six months (Table-II). While the increases in the compensation package for the civil servants and police personnel is praiseworthy, compensation for the civilian victims also requires more attention from the GoKPK.

**Table II: Compensation for Civil Servants & LEAs 2009**

Nature of loss	Civil Servants <sup>54</sup>	Police		
		Compensation 2008	Compensation 2009 <sup>55</sup>	Compensation 2009-II <sup>56</sup>
Loss of life	Rs. 1,000,000 Free education to children from primary to postgraduate level, including all allied expenses.	1,000,000	1,500,000	3,000,000
Permanent incapacitation	Rs. 500,000	500,000	500,000	500,000
Temporary incapacitation/ grievous injury	Rs. 100,000 with continuation of service.	100,000	100,000	100,000

### Process for Award of Compensation:

The procedure in KPK for payment of compensation to civilians differs from that in other provinces and involves substantial delegation of responsibility and powers over to divisional and district level authorities. As a result, the process for award of compensation is far less cumbersome as compared to other provinces.

In Late 2009, the GoKPK took two major steps to improve the compensation

<sup>53</sup> Interview with Dr. Attaur Rehman, Special Secretary Home, GoKPK, September 04, 2010.

<sup>54</sup> Finance Department letter # FD(SOSR.II)4-199/2009 dated March 30, 2009.

<sup>55</sup> Finance Department letter # FD(SOSR.II)4-199/2009 dated June 6, 2009.

<sup>56</sup> Finance Department letter # FD(SOSR.II)4-199/2009 dated December 30, 2009

process. First, the existing process for award of compensation was simplified by delegating the power of approval of award of compensation from the Home Department to the Divisional Commissioner<sup>57</sup>. Second, the provincial government notified a specific timeline for the award of compensation<sup>58</sup>, including a specific timeframe for each stage of the process. The stipulated time for the completion of the whole process of award of compensation is now approximately one month. In most of the cases the stipulated timeline is observed.

The departments involved include the office of District Coordination Officer (DCO), District Police Officer (DPO), and District Health Office. At the provincial level the process includes only two departments, the departments of Home and Tribal Affairs, and Finance.

**Table 12: Timeline for Award of Compensation**

Timeline	Department	Action
One week from the date of incident	Respective DCO	Complete documentation and verification and submission of case to Finance and Home Departments
Two weeks from receipt of request from DCO	Home and Finance Departments	Finalize approval of the case and release funds to DCO
By fourth week of incident	Respective DCO	Delivery of cheque to injured/ legal heirs of deceased

Whenever loss to life or property occurs as a result of terrorist activity, a first information report (FIR) is lodged with the local police station. The DCO initiates the compensation process and prepares a summary of the incident, based on the FIR, detailing the losses incurred in terms of person and property, which is forwarded to Home and Tribal Affairs Department. The list of dead and injured is prepared separately on the basis of medical reports by the District Health Office and the government hospitals where the injured and dead were taken for treatment. In case of government servants an additional requirement of provision of death certificate by the department in which the government servant was rendering services is added.

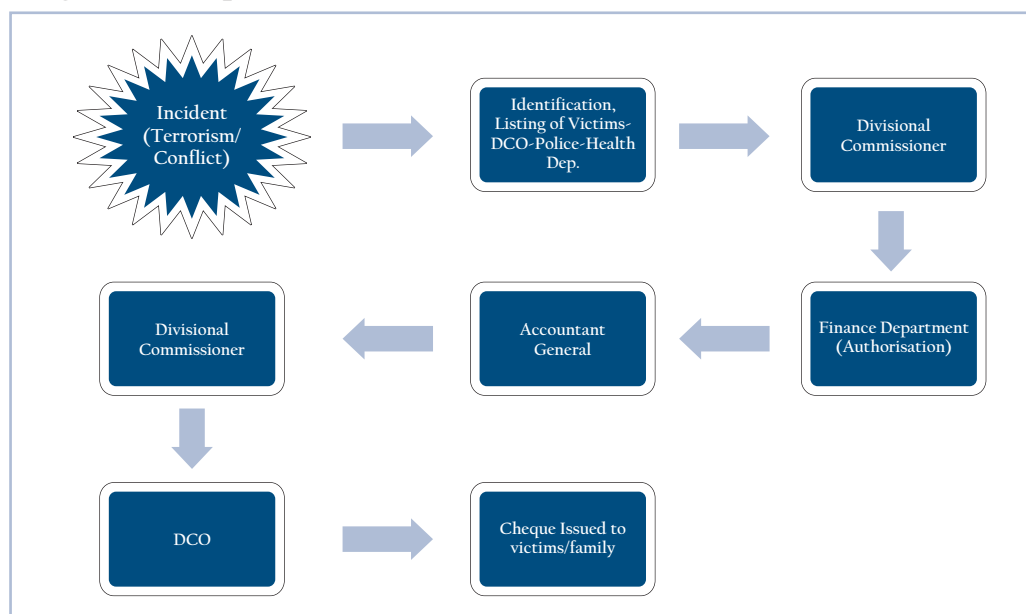
The list of victims and summary of losses along with the recommendations for compensation in accordance with the provincial policy are then sent to the Divisional

57 Establishment Department letter # SOR(Imp:) E&AD/CMD2-19/2008/Peshawar dated November 3, 2009

58 Establishment Department letter # SOR-VI/E&AD/1-10/2009 dated October 1, 2009

Commissioner Office. The Commissioner office on authorization from the Finance Department issues the order for release of funds to the respective DCO<sup>59</sup>. The DCO issues cheque to the victims or their family members. In case of death, the cheque is issued in the name of legal heirs of the deceased.

**Figure 5: Compensation Process KPK**



### Financial Management of Compensation:

Like other provinces there is no dedicated pool of resources in Khyber Pakhtunkhwa for providing assistance and compensation to the civilian victims of conflict and terrorism. Though, recently the provincial government has started to budget funds for award of compensation to civilian victims in Home and Tribal Affairs Department and separately in each district budget of the Police Department. Budget provision is also made in the Chief Minister's Secretariat budget to enable the Chief Minister to authorize additional payments over and above the prescribed rates. Budgetary allocations for both the Departments and Chief Minister's Secretariat are made under the Functional head 03- Public Order & Safety Affairs, A-052 Total Grants Domestic, A-05216. Moreover, in order to further improve the availability of funds and their quick dispersal to victims, the District Governments since November 11, 2009 have been authorized to award compensation payments from their Account IV (district government fund account) once

59 Chief Minister's Secretariat communication # SOVI/CMS/NWFP/6-4/2009 Dated September 3, 2009.



approved by the Commissioner, and later seek re-imbursements from the Finance Department<sup>60</sup>.

**Table 13: Allocation and Expenditure made by Home and Tribal Affairs Department 2007-10<sup>61</sup>**

Year	Allocation	Expenditure	Dead	Injured	Remarks
2007-08	67,500,000	67,500,000	319	810	Compensation made in full
2008-09	390,383,880	117,7333,880	425	574	Rs. 272.650 M surrendered <sup>62</sup>
2009-10	820,041,480	820,041,480	1,333	490	Compensation made in full
2010-11	402,759,000	10,000,000			

The budgetary allocations made under the head of Home department with expenditures are reflected in the Table-13. The amount allocated for compensation has changed substantially over time. The allocations were increased from 67.5 million in FY2007-08 to 390.3 million in FY2008-09. Similarly, in the next FY the allocations were substantially increased i.e. from 390 million to 820 million. The increase is indicative of the growing militancy in the province but in the current financial year the allocations were decreased to almost half of what was allocated in the previous year (See Table 13). The steady flow of funds is essential for the timely and effective award of compensation. With no significant decrease in terrorist activities and a large backlog of payments of compensation to the civilian victims, the curtailing of financial allocations has serious implications for the civilian victims.

## Award of Compensation-Analysis of Process and Implementation:

The evaluation of the policy and practice of award of compensation in Khyber Pakhtunkhwa highlights a relatively efficient and effective framework for award of compensation to the civilian victims of conflict and terrorism. The notifying of a timeline for completion of process of award of compensation to the victims and shortening the process by delegating the authority for approval at Divisional level are noteworthy steps in this regard. However there are a number of issues that continue to prevent victims' losses from being addressed/ or/ prevent the timely and proper provision of compensation

60 Home & TAs Department letter # SO(Accounts)/HD/5-3/Policy dated November 11, 2009

61 Home & Tribal Affairs Department, Government of Khyber Pakhtunkhwa

62 The amount could not be withdrawn by DCO Swat because of law & order situation and had to be surrendered

to civilian victims and deserve serious attention from the provincial government.

**I. Lack of a Comprehensive Policy and Legislation for Compensation:**

Despite having a functionally efficient model, the Province still lacks a formal policy and corresponding legislation which could strengthen the existing system by addressing a number of outstanding issues. A comprehensive policy and legislation would set out definitions of civilian victims, categories of injured, etc. standard procedures for identification, listing, and verification, prescribe the roles and duties of different departments involved in providing compensation, standard procedures for claim, and establish procedures for accessing information and grievance redress.

**II. Long Delays in Award of Compensation:**

The province of Khyber Pakhtunkhwa is the only province which has tried to respond to the issue of delayed payment of compensation to the civilian victims by notifying timeline<sup>63</sup> and devolving authority of approval to divisional level. The process of award of compensation is for the most part adhered to in practice as was observed in the case of bomb blast at Peepal Mandi in Peshawar (Oct 28, 2009)<sup>64</sup>. The majority of victims received the compensation within a month. Two businessmen, Mushtaq Gul who lost a brother, and Ghulam Ali who lost an uncle, cousin, brother and a servant in the above incident were interviewed and both appreciated the timely disbursement of the compensation<sup>65</sup>. However, there are a number of reported cases where compensation grants are either not given or only partially given. The case of the victims of Dera Ismail Khan (D.I. Khan) terrorist attacks<sup>66</sup> is noteworthy where even some of the victims of 2008 bomb blasts have yet to receive compensations. There are four (04) deceased and 209 injured victims who have not received compensations yet. The H&TA Department acknowledges that there is a significant backlog in payment of compensations not only in D.I. Khan but other districts as well, due to the problems in verifications of the victims and their legal heirs<sup>67</sup>. According to Mr. Israrullah Khan Gandapur, MPA from D.I. Khan, corruption and misappropriation of funds at the district level are the key reasons for delay<sup>68</sup>.

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63 Establishment Department letter # SOR-VI/E&AD/1-10/2009 dated October 1, 2009.

64 The militants detonated an explosive laden mini truck in Peepal Mandi, a junction of three old bazaars Charikoban, Meena bazaar, and Kuchi bazaar in Peshawar City resulting in the death of more than 117 people and injuring 213

65 Interview with the victims of (Mushtaq Gul and Ghulam Ali) Peepal Mandi Blast, August 20, 2010

66 Question No: 804, Provincial Assembly KP; Since 2008 there have been more than 49 incidents of terrorism resulting in the death of more than a hundred civilians and injuring approximately four hundred.

67 Interview with Special Secretary Home and Tribal Affairs, GoKP

68 Interview with Mr. Israr Ullah Khan Gandapur, MPA; August 20, 2010

### III. Limited Oversight Role of H&TA Department:

The delegation of authority of approval of compensation grants to the divisional level has significantly shortened the period of award of compensation but has also severely affected the oversight and coordination function of H&TA Department. The absence of oversight has resulted in a number of problems including the misuse and misappropriation of funds at the district level. The payment of compensation to the civilian victims of D.I. Khan is a case in point where it is alleged that Rs1.5 million have been misappropriated in the distribution of compensation among the victims of the bomb blasts<sup>69</sup>.

### IV. Failure to Provide Compensation to All Victims:

There are instances where a large number of victims do not receive compensation<sup>70</sup>. As discussed earlier, in the case of D. I. Khan victims where there are significant delays in payments of compensation and alleged misappropriation by district government officials. The H&TA Department officials acknowledge that such cases are prevalent in the Malakand Division (*Districts of Dir, Buner, Swat & Shangla*), for the reasons of difficulties in verifications as well as financial shortfalls<sup>71</sup>.

### V. Lack of Data and Discrepancies in Records:

As discussed in the case of Balochistan there are serious discrepancies in available data regarding the conflict and terrorism and conflict incidents and number of civilian victims. In case of KPK the problem is compounded by the fact that the delegation of authority at divisional level has led to abandonment of a number of functions at the Department for Home and Tribal Affairs. The H&TA department has abdicated its role of coordination and consolidation of information and data on terrorist activities. Besides, the available official data of

**Table 14: Data Discrepancy-Number of Terrorism Incidents KPK**

Data Source	2006	2007	2008	2009	2010
NCMC	55	216	244	584	399
H&TA <sup>72</sup>	60	460	1009	1137	NA

69 <http://www.khybernews.tv/khyber/news.php?news=2181&id=23>

70 Campaign for Innocent Victims in Conflict, Civilian Harm and Conflict in Northwest Pakistan, CIVIC Worldwide(2010), p. 54

71 Interview with Dr. Attaurrehman, Special Secretary H&TA GoKPK, August 21, 2010

72 H&TA: Home and Tribal Affairs Department, Government of KPK; NCMC: National Crisis Management Cell, Ministry of Interior, Government of Pakistan

the department does not go with the data provided by the Federal Ministry of Interior. For instance, the number of total incidents in one year is at variance.

**VI. Insufficient Compensation for the Victims Killed in incidents of Conflict and Terrorism:**

Existing standards for award of compensation to civilian victims in the incidents of conflict and terrorism in Khyber Pakhtunkhwa are substantially less than the compensations paid in other provinces for the same. In Sindh and Punjab the families of the victims killed in incidents of conflict and terrorism is 500,000 and Balochistan has set the standard at 400,000. Whereas the compensation offered in Khyber Pakhtunkhwa is only 300,000. Along with the present framework does not provide for compensation to persons receiving minor injuries. It is important that GoKPK not only revise the present standards for compensation but also provide for compensation for the victims receiving minor injuries in such incidents.

**VII. Absence of Compensation for Victims of Targeted Killings and Crossfire:**

In recent years targeted killings in KPK have been on the rise especially in the areas facing the sectarian conflict e.g.; D.I. Khan, Hangu etc. Nevertheless, the present arrangement for award of compensation fails to take account of the victims of targeted killings. Likewise civilian victims killed or injured in crossfire are also not officially covered under the current policy.

**VIII. No Dedicated Budget Line:**

The budgeting and flow of funds has also been delineated in greater detail as compared to the other provinces. Specific allocations of funds are also being made in the budgets of three departments of GoKPK-the Chief Minister's Secretariat, H&TA Department, as well as district offices of the Police Department. However, there is no dedicated budget line for the compensation grants for civilian victims of conflict and terrorism. This creates serious obstacles in tracking the payments and has implications for the transparency of the system.

**IX. Decrease in Funds Made Available for Compensation:**

The budgetary allocations manifest government's policy priorities. In order to ensure timely and efficient award of compensation a steady flow of funds is essential. However, with no significant decrease in terrorist activity and a large backlog of payments of compensation to cover, GoKPK has substantially reduced the budgetary allocations for compensation grants. In the FY 2010-11 the allocations were reduced to half from 820,041,480 to 402,759. The curtailing of financial allocations has serious implications for the civilian victims.

**X. Public Access to Relevant Information:**

In spite of having a relatively responsive and efficient system of awarding compensation, the GoKPK framework is deficient in terms of providing access to relevant information to the civilian victims and their families. There are no clear means of informing the public and victims about accessing or tracking the award of compensation.

**XI. Lack of Grievance Redress Mechanism/Appeals Process for the Victims:**

The civilian victims and their families have no formal mechanism for redress of grievances. Absence of a grievance redress forum leads to inability of the victims to challenge issues like compensation determinations or bring forward claims that have been excluded from consideration etc.









# Punjab

Religious and sectarian conflict and terrorism has remained rife in the urban areas of the province since 1990s. The scale of terrorist activities and conflict has however increased significantly in recent years, badly affecting civilians' person and property. Since 2006 there has been a considerable rise in suicide bombings, bomb blasts and religious and sectarian violence in Punjab. The perpetrators of such acts frequently target markets, places of worship, public processions and religious gatherings thus inflicting serious losses to the common people.

During last year alone there have been twenty four terrorist attacks in Punjab, claiming the lives of 223 people and injuring 616. Religious and sectarian violence has also risen significantly, including a number of high profile and high fatality attacks which include; attacks on the religious processions in Moharram and Ramadan (Muslim holy months) in Lahore in 2010; the burning and looting of a Christian settlement in Gojra/Korian in 2009; suicide attack on the Sufi shrine Data Darbar in Lahore in 2010 and attack on prayer congregations of the Ahmadiyya community in May 2010.

**Table 15: Conflict and Terrorism in Punjab 2006-10<sup>73</sup>**

Year	Number of Incidents	Killed	Injured
2006	41	12	49
2007	44	38	126
2008	47	131	271
2009	54	236	814
2010	24	223	616

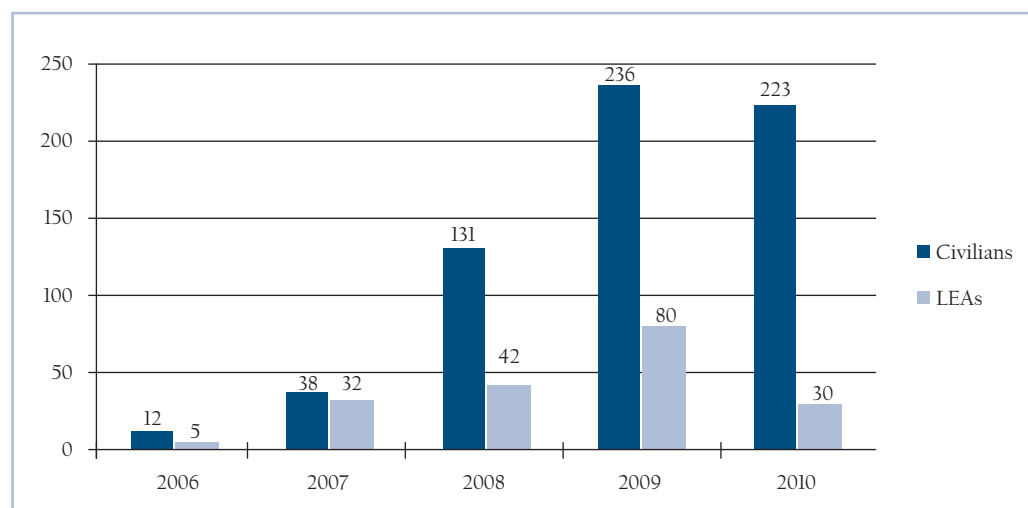
It is significant to note that in 2010 the total number of incidents decreased to almost a half than the previous four years (Table 15) however, the fatality rate and the number of the injured have not decreased. The analysis of the data indicates that most of the Casualties in the year 2010 occurred as a result of just six suicide attacks. This indicates; first, suicide bombing is one of the major reasons for the civilian Casualties in Punjab, and secondly, the suicide attacks have become more frequent as well as lethal in the past two years. Beside the suicide attacks, the religious and sectarian conflicts are also causing

<sup>73</sup> NCMC, Ministry of Interior, Government of Pakistan

havoc in Punjab, as in less than 2 years, 268 people have been killed and 760 injured in religious and sectarian conflicts.

The available data clearly indicates that, as in other provinces, civilians are bearing the brunt of these attacks and are facing major losses in the wake of increasing militancy. LEAs are also being targeted by the terrorists, especially in 2009, in which, 80 personnel died and 115 were injured. The number of civilians losing their lives or getting injured is considerably higher than the LEAs, with 236 killed in 2009. (Figure-6)

**Figure 6: Comparison of Civilian and LEAs Casualties-Punjab<sup>74</sup>**



Despite suffering from high levels of terrorism and religious militancy, the Government of Punjab has yet to develop a comprehensive framework for addressing the losses suffered by civilian victims of conflict and terrorism and conflict. The examination of the existing measures indicates that the government's response has been uneven and suffers from a number of deficiencies. In most of the cases evaluated, the government's response has been largely reactive and the effectiveness of its response has varied greatly from event to event.

**Table 16: Comparison of Civilians and LEA Personnel Injured 2006-10<sup>75</sup>**

	2006	2007	2008	2009	2010
Civilians	49	126	271	814	616
LEAs	17	58	96	115	63

<sup>74</sup> NCMC, Ministry of Interior, Government of Pakistan

<sup>75</sup> NCMC, Ministry of Interior, Government of Pakistan

## Compensation for Civilian Victims of Conflict and Terrorism in Punjab:

Though militancy and violence resulting in civilian Casualties is not a new phenomenon in Punjab, nevertheless, there has been no specific programme for the protection or provision of compensation for the victims of conflict and violence.

As a response to increasing sectarian conflict in 1990s Government of the Punjab introduced compensation regime for civilian victims of sectarian conflict and terrorism for the first time in 1999. In recent years the increased militancy and terrorist attacks resulted in the revision of the standards for the award of compensation in August 2010. The 1999 administrative notification classified the deceased victims in bread-winner and non bread-winner categories and provided Rs. 100,000 as compensation for the breadwinner and Rs. 65,000 for the non-breadwinner. In case of injury the compensation was fixed at Rs. 50,000.

**Table 17: Compensation for Civilian Victims 1999<sup>76</sup>**

No.	Nature of loss	Compensation
1	Loss of Life	Breadwinner: Rs. 100, 000
		Non-Breadwinner: Rs. 65, 000
2	Injured	Rs. 50,000

The increasing incidents of conflict and terrorism led to the revision of the compensation standards in 2008. The revised compensation regime enhanced the compensation for the civilian victims; it adopted uniform standards for the deceased doing away with the breadwinner and non-breadwinner categories and revised compensation for the injured by introducing a distinction between major and minor injury.

In August 2010, the compensation for civilian victims of conflict and terrorism was revised substantially by the Government of the Punjab. The compensation for death was increased to Rs. 500,000, however for the injured it was remained intact. The revision introduced provision of separate assessment based compensation in case of incapacitation or permanent damage. The notification also provided for free treatment of all injured persons at hospitals.

76 Notification: Government of the Punjab, No. 810-99/702/CP-I Dated: 07.08.1999

Table 18: Compensation for Civilian Victims 2008-2010

No.	Nature of loss	Compensation 2008 <sup>77</sup>	Compensation 2010 <sup>78</sup>
1	Loss of Life	Rs. 300,000	Rs. 500,000
2	Seriously Injured	Rs. 75,000	Rs. 75,000 In case of incapacitation or permanent damage to any part of body, compensation shall be assessed on case to case basis
3	Minor Injuries	Rs. 50,000	Rs. 50,000

The notified standards for civilian victims when compared with that of LEAs show considerable differences. During last six years the compensation for the police officials has been revised noticeably. The first significant revision, in 2004, increased the compensation award for the martyred police officials to Rs. 500,000. The standards were again revised in 2008, increasing the compensation for martyred and injured police personnel. Moreover, the award of compensation to the LEAs is governed by an elaborate set of rules, which facilitate efficient and judicious dispensing of compensation. Like other provinces the compensation for civilian victims in Punjab is substantially less than the compensation being awarded to the personnel of LEAs.

Table 19: Compensation for Police Personnel

No.	Nature of loss	Compensation 2004 <sup>79</sup>	Compensation 2008 <sup>80</sup>
1	Deceased	Rs. 500,000	Rs. 20,00,000
2	Major Injury or Permanent Incapacitation resulting in release from Service	Rs. 300,000	Rs. 500,000 In case of permanent damage to any part of body, compensation shall be assessed on case to case basis
3	Minor Injury or Temporary Incapacitation	Rs. 200,000	Rs. 300,000 Provincial Police Officer (PPO) may recommend a higher one time grant for gazetted officer in suitable cases.

77 Letter No. SO (IS-II) 7-10/2009, dated May 11, 2009

78 Ibid.

79 Punjab Police Rules 1989 / read with Notification No. HP/II/4-22/97 dated: 11.05.2004. Rule 12-a, 12-b and Rule 12-c of Police Rules 1989 were amended.

80 Notification: Central Police Office Punjab Lahore No.7798 / AW-III, Dated: August 30, 2008.

## Process for Award of Compensation:

Like other provinces the payment of compensation in Punjab involves multiple departments which makes the process tedious and complex. Although the process of award and rates for compensation to civilian victims are specified, these are often circumvented on grounds of “political expediency”. Differential treatment of the victims is noticeable in a number of cases.

Following any incident resulting in civilian Casualties, such as bomb blast, suicide attack or any terrorist act, the relevant District Coordination Officer (DCO) is responsible for processing of the cases for award of compensation<sup>81</sup>. DCO prepares the summary on the basis of FIR lodged with the local police station. The summary is accompanied by three separate forms providing the details of the deceased, victims with minor injuries and victims with major injuries. The local Health Department provides the details of the injured listing nature and gravity of injuries and the details of the deceased.

Significant delays were observed in case of the injured victims due to the procedure adopted by the health department. The injured who are not taken to the government hospitals are often not included in the lists prepared by the local health officials. In case of the deceased a post mortem report and a death certificate from the government hospital are required for the processing of the case for compensation. The information about the legal heirs of the deceased victims for award of compensation is collected by the DCO office. DCO prepares the summary with recommendations of compensation amounts for each deceased, injured and property damages, which is sent to the Home Department through the office of the Divisional Commissioner<sup>82</sup>.

Though the standards for compensation for civilian victims of conflict and terrorism have been notified, the Chief Minister often makes special announcements for award of compensation that are not in line with the notified standards. The recommendations/summary for the compensation is prepared according to Chief Minister's announcement instead of observing the notified standards. Home Department forwards the summary to the Finance Department for review and then it is submitted to the Chief Minister for approval. After Chief Minister's approval, the funds are transferred in the Special Drawing Account (SDA) of District Coordination Officer (DCO)/District Government through the supplementary grant. On receipt of funds, the relevant District Government issues the cheques to the victim/s.

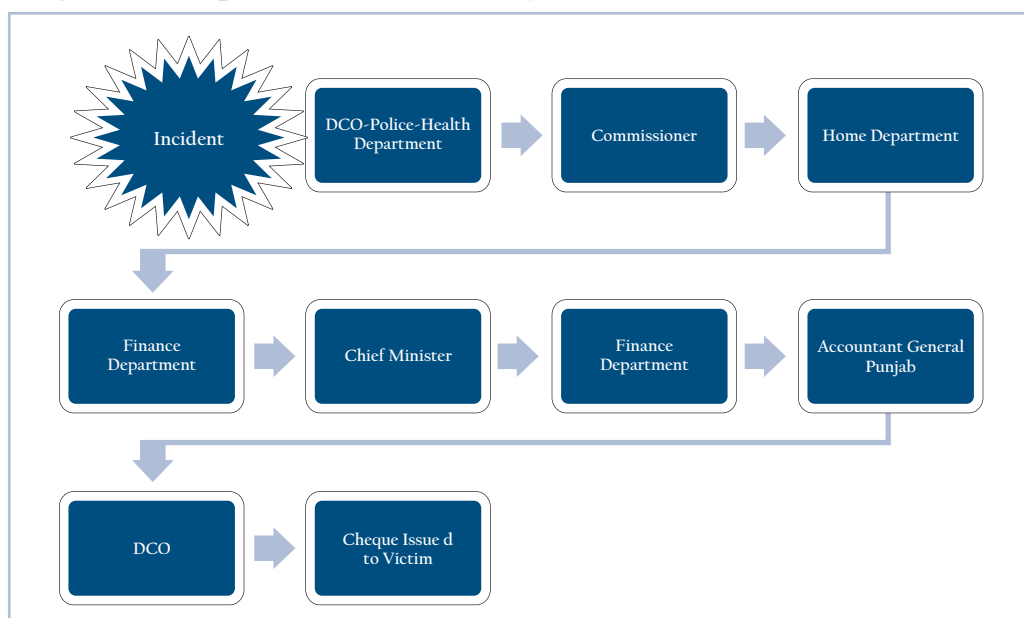
Absence of earmarked funds for compensating the victims not only cause delays in the process but also there is no mechanism for accessing information for victims and

81 Notification: Government of the Punjab, Home Department No. SO (IS-II) 7-20/2010, Dated: August 02, 2010.

82 Ibid.

their families regarding the status of the award thus adding to the miseries of the victims and their families. The notified process, as stated earlier, is often not followed; the case of the Moon Market blast in Lahore was processed in a week's time. Similarly, in case of bomb blast in a religious procession in Lahore on September 01, 2010, the provincial Education Minister distributed cheques for compensation on the very next day of the incident.

Figure 7: Compensation Process-Punjab



### Financial Management of Compensation:

In Punjab, as in other provinces, there is no dedicated budget line for compensation grants to the victims of conflict and terrorism. The budget line charged is under the Functional Head, Relief (Social Protection 10) Object Classification A052 Grants Domestic-Grants to others Grants to Others A05270. However, at times compensation to the civilian victims is also awarded from other budget lines. The victims of bomb blast at Cattle Market in DG Khan were given compensation from “Grant No. PC21031 (031) Misc.01 General Public Service 014 Transfer 0141 Transfers 014110 others LO4761”<sup>83</sup>. The compensation to police personnel is budgeted under the functional head Police (Public Order & Safety 03). The absence of a dedicated budget line for civilian victims results in procedural delays, as all the cases for award of compensation have to be approved by the

83

Home Department, Order No. SO (IS.II) 7-40/2006, Dated: February 10, 2007

Chief Minister. Besides the delays in payment of compensation, the absence of a dedicated pool of resources for award of compensation makes tracking difficult thus raising concerns for transparency.

## Award of Compensation-Analysis of Process and Implementation:

Evaluation of the process and practice of compensation in Punjab reveals a number of problems/deficiencies. First and foremost, the government response tends to be event-driven and ad-hoc instead of flowing from a well-defined and predictable policy. Although the standard amounts of compensation have been notified, they are rarely followed and policy guidelines are frequently contravened. A lack of proactive planning, and makeshift responses have led to extreme inequities in the treatment of civilian victims and significant delays in award of compensation.

### I. Lack of Comprehensive Policy and Legislation for Compensation:

Government of the Punjab has yet to formulate a comprehensive policy and legislation for addressing the issue of award of compensation to civilian victims. The present legal and administrative framework has multiple deficiencies including; definition of civilian victims, categories of injured, process of identification and verification of victims, roles and responsibilities of different departments and time for dispensing the award to the victims and their families. The absence of a legally enforceable mechanism not only hinders efficient provision of compensation to the victims but also promotes an arbitrary and ad-hoc response by the Government.

### II. Failure to Adhere to Established Policies and Standards:

The standards for award of compensation as notified by the government policy are rarely followed in practice. The response of government is often politically motivated and differs from event to event. At times the magnitude of an event also has a bearing on the determination of award of compensation. Among the four incidents of terrorism analyzed during the course of study, the notified standards were followed in only two cases (Table 20). A comparison of the compensation paid in case of the Sialkot Mosque Blast and the blast at Sipah-e-Sahaba Pakistan (SSP) rally in Multan 2004, provide an interesting case study of the discrepancies prevalent in compensation payments in Punjab. Although the incidents occurred within only seven days<sup>84</sup>, the victims were treated differently. The victims and the

84 Suicide bombing at Zainbiya Mosque Sialkot on Oct 01, 2004 left 31 dead and over 150 injured Herald November 2004, <http://www.dawn.com/herald/nov04.htm>  
In a massive car bomb blast at Sipah-e-Sahaba Pakistan rally 39 people were killed and over 70 injured at Multan. Dawn E-paper October 8, 2004, <http://archives.dawn.com/2004/10/08/top3.htm>

families of deceased in Sialkot Suicide attack were paid as per the policy, 100,000 for the deceased and 50,000 for the injured. However, the families of those killed at SSP rally in Multan were given Rs. 500,000 and injured were given Rs. 50,000 as compensation<sup>85</sup>. The award to the victims of SSP rally was not only in contravention of the prevailing policy but also differed from the compensation awarded to the victims of Sialkot blast despite the similarity of the type of attack, the level of harm inflicted, and the time period between the two events.

The differential treatment between victims of the Sialkot and Multan Blast is not an exception. The victims of the Moon Market blast Lahore in December 2009 and Qasim Bela Blast Multan, 2009 were also awarded compensations in contravention to the policy. In the case of Moon Market blast, it was also decided that the Government would provide job to one member of the family of the deceased victims. While reflecting on this evidence the Government representatives claimed to be on the course of correcting the existing anomalies in the system.

### **III. Failure to Follow Procedures:**

The procedures and time for their completion was found to be more efficient when there is a political expediency or the victims are from government agencies. The Moon Market and Qasim Bela Multan bomb blasts highlight this. In the case of Moon Market blast in order to shorten the process, the cases of compensation were directly sent to the Chief Minister by the Commissioner office for approval, circumventing the Home and Finance Departments. In the case of Qasim Bela Multan, the DCO Multan made payments of Rs. 7.925 million to the victims from the Sugar Subsidy Account<sup>86</sup>. Similarly in case of Data Darbar Lahore blast, the local MPA delivered cheques to the homes of victims of the blast instead of being issued by the DCO office.

### **IV. Political Influence:**

Political variables play a significant role at every stage of the process of award of compensation. Terrorist incidents in politically important constituencies are likely to be responded to in a more efficient manner than incidents in peripheral areas. Likewise, the victims from politically influential groups are likely to be awarded more efficiently. As is evident from the case of Moon Market Lahore where the victims were not only awarded compensation more than the

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85 Azmat Abbas, To be continued, in Herald, November 2004; Blast at SSP rally kills 40 in Multan, Daily Times, October 8, 2004 [http://www.dailytimes.com.pk/default.asp?page=story\\_8-10-2004\\_pgl\\_1](http://www.dailytimes.com.pk/default.asp?page=story_8-10-2004_pgl_1)

86 Interview with Mr. Adnan Rafiq, Additional Accountant General Punjab, AGPR Office Lahore; August 5, 2010.



Table 20: Award of Compensation-A Comparison

	Date	Compensation Policy	Compensation Awarded-Deceased	Compensation Awarded-Injured
Sialkot-Mosque Attack	October 01, 2004	Deceased: Rs. 100,000 (breadwinner) Rs. 65,000 (Non breadwinner) Injured: Rs. 50,000	100,000	50,000
Multan Blast-SSP Rally	October 08, 2004	Deceased: Rs. 100,000 (breadwinner) Rs. 65,000 (Non breadwinner) Injured: Rs. 50,000	500,000	50,000
Bomb Blast at Cattle Market DG Khan	September 23, 2006	Deceased: Rs. 100,000 (breadwinner) Rs. 65,000 (Non breadwinner) Injured: Rs. 50,000	100,000 (02 persons) 65,000 (01 person)	50,000
Moon Market	December 07, 2009	Deceased: Rs. 300,000 Seriously Injured: Rs. 75,000 Minor Injuries: Rs. 50,000	500,000	Major Injury 200,000 Minor Injury 50,000
Multan-Qasim Bela	December 08, 2009	Deceased: Rs. 300,000 Seriously Injured: Rs. 75,000 Minor Injuries: Rs. 50,000	500,000 Payments made from SDA of DCO Multan (Sugar Subsidy)	Major Injury 200,000 Minor Injury 50,000
Lahore Garhi Shahu, Ahmadiyya Place of Worship	May 28, 2010	Deceased: Rs. 500,000 Injured(major): 75,000 Injured(minor): 50,000	Rs. 500,000	Major Injury Rs. 75,000 Min Injury Rs. 50,000

stipulated standard but were paid swiftly as well. Similarly, in the case of Data Darbar, Lahore bomb blast, victims were paid within twenty days of the incident<sup>87</sup>.

87 Ibid.

**V. Significant Delays and Differences in Processing Time:**

In addition to discrepancies in amount paid, there are often significant differences in the time taken to process compensation. Available records suggest that processing time for compensation may range from seven days to more than a year. It took about one week to compensate the victims of Moon Market of Iqbal Town Lahore; by contrast, it took more than five months in the case of Bomb Blast at Cattle Market in D.G. Khan and almost a year to complete the same process for those affected by the Parade Lane bomb blast in Rawalpindi.

**VI. Compensation Process is Too Complex:**

The process of award for compensation is complex and time consuming, involving a number of offices at the district as well as provincial levels; District Government, Police Department (relevant Police Station, DPO office) District Health Department, Home Department, Finance Department, and Chief Minister Secretariat are all involved in processing compensation. The victims of such incidents are often poor and disadvantaged, and dealing with so many government functionaries is difficult. In case of R. A. Bazaar Blast in Lahore on May 28, 2010, (killed 39 and injured 95) one of the victim's family informed that it took them five days to recover the body of the victim and more than three months to claim the compensation<sup>88</sup>.

**VII. Failure to Provide Compensation:**

Even more disturbing than discrepancies in treatment is the evidence that in a number of cases, victims received nothing at all. Examination of the evidence indicates that this is more likely in case of injured victims. For instance a number of victims of the blast at Rescue-15 headquarters Queens Road (killed 26; Injured 251) on May 27, 2009 and the victims of bomb blast at the FIA buildings Temple Road and Model Town Lahore on March 11, 2009 have yet to receive compensations<sup>89</sup>. Some victims or their families may not receive compensation (in case of death or injuries) as the government officials do not collect records from private medical facilities where some victims may be treated, leaving their cases unidentified by the DCO office<sup>90</sup>.

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88 Interview with Muhammad Rashid a Rickshaw driver and Uncle of deceased Muhammad Yousaf, who died in the R.A. Bazaar Bomb Blast on May 28, 2010. It took Rashid and his friends five days to locate Yousaf in the Dead House of Mayo Hospital, Lahore and recover his body after official formalities. His widow got the compensation after three (03) months and with support from a number of acquaintances. August 06, 2010.

89 [http://www.dailytimes.com.pk/default.asp?page=2010\03\09\story\\_9-3-2010\\_pg7\\_27](http://www.dailytimes.com.pk/default.asp?page=2010\03\09\story_9-3-2010_pg7_27)

90 Interview with Mr. Farid A Tarrar, Adl. Secretary Finance, Department of Finance, GoPunjab, Lahore; August 05, 2010

**VIII. No Dedicated Budget Line:**

There is no dedicated budget line for the compensation grants to the civilian victims. The award of compensation is made from multiple heads of account. Mostly the head of “others” is utilized, which is meant for miscellaneous expenditure. Funds budgeted under the head of 'others' are not dedicated for specific use and can be utilized for miscellaneous expenditure by the government. It is important to note that as it is a non-voted item of budgeted resources therefore expenditure from this head of account necessitate approval of the Chief Minister. Absence of a dedicated budget line decreases transparency and contributes toward delays in award of compensation because it effectively means that each compensation payment requires the approval of the Chief Minister instead of being delegated to lower tiers of provincial government.

**IX. Limited Public Access to Relevant Information:**

The existing policy framework in Punjab also fails to provide public access to relevant information about the process of award of compensation. Absence of formal means for provision of information to the victims and their families restricts the access of victims to available means of assistance. Moreover, without a mechanism to track the compensation process or inform victims and their families of the status of their claims, most are unaware of when or whether they will ever receive the promised assistance. As discussed earlier in the case of the victim of R.A Bazaar bomb blast, the lack of information adds to the miseries of the victims and their families.

**X. Lack of Grievance Redress Mechanism/Appeals Process for the Victims:**

The framework for award of compensation has no mechanism for redressing grievances of the victims. As noted earlier the victims who are not identified in the lists of the DCO office or are denied compensation because of procedural delays or shortcomings of the existing mechanisms. There is no forum or mean available to these victims to which they can resort for redress of their grievance.







# Sindh

The recent wave of targeted killings in Sindh is a manifestation of deep rooted political conflict in the province. There have been occasional terrorism related events even prior to 2006 like the one in 2002, when a suicide attack on a Pakistan Navy vehicle outside Sheraton Hotel resulted in the death of nine French and five Pakistani nationals. However, the frequency of terrorist incidents has increased significantly since 2006. The major incidents threatening the civilian population have been political and sectarian in nature. Another important feature of the prevailing situation is that the conflict and terrorist activities in Sindh are largely concentrated in the city of Karachi.

The data indicates a significant rise in the civilian killings after 2006 as a result of terrorist attacks, sectarian violence and political conflict. In 2006 there was only one major incident of terrorism, when a bomb blast at a religious gathering at Nishtar Park killed 57 of the participants and injured more than 100. Three major incidents occurred in 2007, causing a huge loss of civilian lives and property; on May 12, 2007 targeted killings and mob violence in Karachi took lives of 46 people and more than 150 were injured; on October 18, 2007 two suicide bombers attacked the procession of former Prime Minister Mohtarma Benazir Bhutto resulting in death of more than 150 people. In December 2007, Mohtarma Benazir Bhutto was killed in a Bomb blast in Rawalpindi, the assassination resulted in widespread violence in Sindh causing significant loss of life and property.

The following years were marked by spiraling sectarian, political, and terrorist violence, mostly in Karachi. In 2009, 66 civilians were killed in terrorist attacks, 43 of whom were killed in a single blast targeting a religious procession. Besides the terrorist attacks, the political violence in Karachi has increased phenomenally, especially the targeted killings of civilians and armed clashes between political groups in Karachi has resulted in killing of hundreds of civilians and injuring thousands. In 2010, at least 418 civilians were killed, more than the previous four years combined. Besides these terrorist attacks a wave of politically motivated targeted killings led to the deaths of over 1,000 people, making 2010 the most violent year in Karachi's history since 1995.

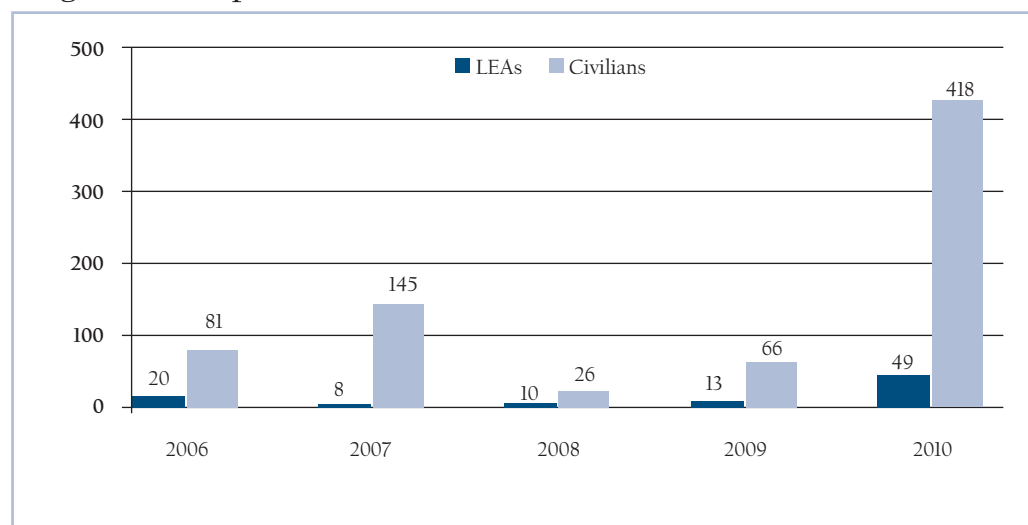
**Table 21: Terrorist Attacks and Civilian Harm in Sindh 2006-2010<sup>91</sup>**

	2006	2007	2008	2009	2010
Incidents	29	28	19	48	438
Injured	157	478	95	39	391
Killed	81	145	26	66	418

91 NCMC, Ministry of Interior, Government of Pakistan

In the last two years the increased terrorist activities and conflict has had a disproportionate impact on the civilian population. Figure 8 indicates the magnitude of difference between the civilian and LEAs fatality rate as a result of such activities.

**Figure 8: Comparison of Civilian and LEA Casualties 2006-10**



## Compensation for Civilian Victims of Conflict and Terrorism in Sindh:

As in other provinces prior to 1990s there was no system in Sindh for compensating victims of conflict, violence, and acts of terrorism. In the late 1990's compensation procedures started to take shape. In the absence of rules and procedures to deal with such measures, the governments decisions on compensation to civilian victims was completely dependent on the discretion of officials. Even in high profile cases the government lacked a clear policy on the provision of compensation. The sectarian conflict in 1994-95<sup>92</sup> and increasing ethnic and political violence that engulfed Sindh and specially Karachi eventually convinced the GoS to institute compensation mechanisms for the civilian victims of conflict and terrorism. The increasing incidences of violent conflict and terrorist activities in the last decade have again led the provincial government to reformulate the compensation standards for civilians.

The first major response from GoS on compensation can be traced back to 1996<sup>93</sup>.

92 According to official estimates more than 70 people died in 25 incidents as a result of the sectarian violence in just less than a year

93 Notification number, FD PI/2 (10) 75 (PartVI). Dated 8-01-1996. An important point which ought to be noted is the fact that this notification came into force with retrospective effect i.e from 15th June 1995



It was spurred by increasing sectarian conflict in 1994-95 and later operations against MQM in 1995-96. The increased violence against both civilians and law enforcement officials shook public confidence in the government. In order to have some form of response to this violence and also to gain support for armed action, the GoS announced compensation standards for the civilian victims on January 8, 1996.

**Table 22: Compensation for Civilian Victims 1996<sup>94</sup>**

Serial No	Type of Loss	Compensation
1	Loss of life caused by terrorist activity	Rs 100,000/-
2	Injured due to terrorist activity (irrespective of bread earner)	Rs 30,000/-

The award of compensation to the civilian victims of conflict and violence was revised again in August, 2010. The revised standards increased the compensation grants for civilian victims of terrorist attacks and bomb blasts<sup>95</sup> with effect from July 1, 2010. The key feature of the revision was the distinction for the first time between targeted killings, terrorist activities, and victims of cross fire. (Table 23)

**Table 23: Compensation for Civilian Victims 2010<sup>96</sup>**

No.	Nature	Existing	Compensation	
1	Loss of life due to terrorist activities (irrespective of bread earner or non-bread earner)	Rs. 100,000/-	a. Loss of life due to terrorist act	Rs. 500,000/-
			b. Innocent victims of cross fire	Rs. 200,000/-
			c. Victims of target killing subject to verification by a Committee headed by Home Secretary that it was target killing and not a personal dispute.	Rs. 200,000/-
2	Injured due to terrorist activities (irrespective of bread earner or non-bread earner)	Rs. 30,000/-	a. Injured due to terrorist activities.	Rs. 100,000/-
			b. Permanent disability due to terrorist act.	Rs. 200,000/-

The standards of compensation for civilian victims when compared with that of LEAs show significant variance. In 2002, in response to the rising terrorist threats, the GoS substantially increased compensation for the members of Police/LEAs who lost their lives

94 Finance Department, Notification number D-I/2 (10)/75 (Part-VI) dated January 8, 1996

95 Notification number FD (B&E-XIV) Comp-I(10)/2009-10 dated 30th Aug 2010

96 Ibid.

while performing their duties<sup>97</sup>. The years between 2002 and 2008 saw a significant rise in the frequency of terrorist attacks. An important feature of the increasing militancy was the targeting of members of LEAs by the terrorist outfits. The situation led to Police Department's request for an increase in the compensation amount. Besides increase in the compensation amount the families of martyred officials were entitled to draw full salaries till the superannuation date of the deceased official<sup>98</sup>.

As a response to increasing militancy and terrorism Sindh Government revised the standards/rates of compensation for the LEAs four times since 1999. The civilian victims as discussed above however failed to get the desired attention. Moreover, the review of policies for LEAs and civilian indicate that LEA victims are dealt uniformly for award of compensation, whereas in case of civilians, victims of cross fire and targeted killing are treated differentially.

**Table 24: Compensation for LEAs 1999-2009<sup>99</sup>**

	Existing Compensation	Compensation 2002	Compensation 2008	Compensation 2009
Death	Rs. 100,000/-	Rs. 300,000/-	Rs 500,000 & full salaries for the family of the deceased official till the superannuation date of the deceased	Rs 2,000,000/- and a plot (Irrespective of grade)
Permanent Incapacitation	NA		Rs. 300,000/-	Rs. 500,000/-
Temporary Incapacitation	NA		Rs 50,000/- to Rs 150,000/-	Rs 50,000/- to Rs 200,000/- depending upon the gravity of injury

### Process for Award of Compensation:

Award of compensation to the civilian victims of conflict and terrorism in Sindh despite frequent revisions on the subject has inherent flaws. The process for award of

97 The proposed increase in compensation did not apply on officials of Sindh Rangers. Notification number U.O No FD (SR-III) 3/134 dated Oct 18th 2002

98 Notification number No. FD (SR-III) 10 (06)/2006 dated 30th Aug 2008. The notification provided that in order to justify the expenditure; recruitment against the vacant posts will not be made till the superannuation date of the deceased official, so it should not be a burden on the government exchequer

99 Notification number FD (B&E-XIV) Comp-I(10)/2009-10 dated 30th Aug 2010

compensation is too time consuming and cumbersome. By the time compensation amount reaches the victims a lot of its impact is lost. Although the decision making in cases of compensation has improved in recent years, the element of political expediency still plays an important role.

The award of compensation to the civilian victims of conflict and terrorist attacks is a protracted process and involves a number of government departments. At local level it includes Police Department, Office of the District Coordination Officer (DCO) and Health Department. At the provincial level the process includes the Departments of Home, Finance and Chief Minister's office. The process initiates with registration of FIR by Police Department. The lists of deceased and injured persons are prepared by District Government and the same are sent to Police Department for verification. After the list of killed and injured is prepared by the DCO office in coordination with Police Department and verified by the Health Department, the summary for award of compensation is initiated at the Home Department, being the responsible department for provincial law and order. Summary is routed to Chief Minister through the Finance Department and office of the Chief Secretary. The sheer number of offices involved in the process of preparation of summary makes the process complex and time consuming. The complexity of the process and time to route coupled with absence of mechanisms to track the status of process adds to the miseries of the victims and their families.

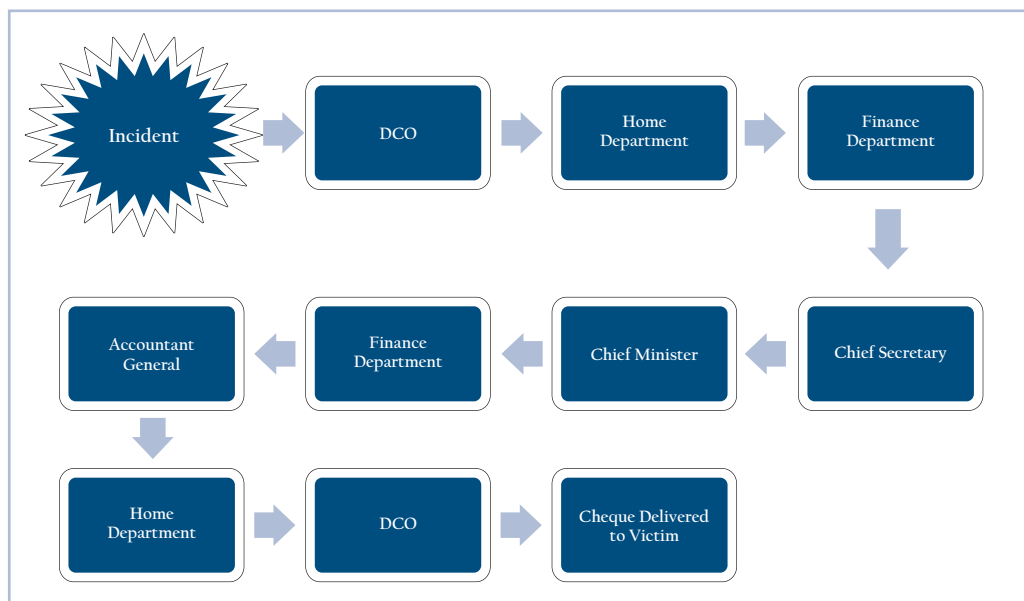
After the approval of summary by the Chief Minister the sanction order or "Advice" is issued by Finance Department. Sometimes the Finance Department itself issues the sanction order while occasionally Home Department has to request Finance Department for issuance of "Advice". After the issuance of "Advice", the Home Department prepares "Audit Copy" and sends it to Finance Department for approval. The signature on the Audit Copy by officer of Finance Department authenticates the expenditure. Audit Copy is also sent to the Accountant General Sindh for clearing cheques in pursuance of this order.

The disbursement is usually done by the DCOs, however sometimes the compensation amount is placed at the disposal of Home Department which prepares the cheques. In the case of bomb blast at Benazir Bhutto's procession on Oct 18, 2007 the amount was placed at the disposal of City Government Karachi while in the case of the bomb blast of 10th Muharram (Dec 28, 2009) the amount was placed at the disposal of Home Department.

## Financial Management of Award of Compensation:

There is no dedicated line for compensation grants in the provincial budget of Government of Sindh. The pool of resources used for compensating the civilian victims of terrorism and conflict is used for multiple purposes. The budget line

Figure 9: Compensation Process Sindh



charged for award of compensation is SC 21046 046-Other Expenditure-01-General Public Service-011-Exec & Legis. Organs Financial and Fiscal-0112-Financial and Fiscal Affairs-011204-Administration of Financial Affairs-KA-4360-other Expenditure-A06-Transfer Payment-06470-other-02-other<sup>100</sup>. Review indicates that same budget line (046) was used for the grant of Rs 100,000 to a singer Ustad Fateh Ali Khan on account of fire in his house<sup>101</sup>. Similarly the payment of Rs 2,646,858 made to Agha Khan Hospital and that of Rs 121,537 to National Medical Centre Karachi on

Table 25: Compensations Allocations &amp; Expenditure Sindh 2007-10

Year	BE	RE	EXP
2007-08	120,000,000	247,310,000	159,305,000
2008-09	120,000,000	119,860,000	2,973,480
2009-10	120,000,000	120,000,000	84,631,395
2010-11*	120,000,000		49,330,000

\*Only for first 03 months of FY 2010-11 financial year

100 It is pertinent to mention that in the past the code (046) didn't exist and all payments in respect of compensation were made from the head of 01-general Public Service 011 Exec & Legis Organs Financial and Fiscal 0112 Financial and Fiscal Affairs 011204.

101 COMP-1(23)/2008-09, dated 08-07-2009, Finance department Government of Sindh.

account of treatment dues to patients referred to these hospitals on the directives of Chief Minister were also made from the same budget line i.e. Head 046<sup>102</sup>. An overview of the allocation and expenditure on payment of compensation for FY 2007 to 2010 is presented below:-

As the compensation grants are not budgeted, all the payments have to be made on the orders of the Chief Minister. Therefore, any summary generated from Home Department or any grant or award announced by the Chief Minister or the Governor must be forwarded to Finance Department and then sent to the Chief Minister for final approval. The budgetary allocation of these years and expenditure made under this Head are given in summarized form in Table 24. The data indicates that each year an allocation of Rs 120 million is made under this Head of Account although the amount disbursed was Rs 159 million in 2007-08, Rs 2.973 million in 2008-09, Rs 84.6 million in 2009-10 and Rs 49.3 million in 3 months of current financial year. The expenditure exceeded the allocation only in the FY 2007-08 as a large payment were made to the those affected by the suicide bomb blast on the procession of Mohtarma Benazir Bhutto on Oct 18, 2007.

## Award of Compensation-Analysis of Process and Implementation:

The analysis of the process of award and dispensation of compensation in Sindh highlights a number of serious concerns. The government has typically reacted to new incidents or trends, and has failed to engage in serious planning or proactive response. As a result, serious flaws and deficiencies exist and the government is unable to provide effective and efficient relief to civilian victims of conflict and terrorist attacks.

### I. Award of Compensation in Contravention of Standards:

The GoS has acted in an ad hoc manner, in contravention of notified standards, preferring to set compensation amounts on a case to case basis instead of adopting higher, standardized compensation amounts. . For instance in the case of the victims of Bomb Blast at M A Jinnah Road(28th Dec 2009) the department first proposed Rs. 500,000, as compensation and later on proposed Rs. 1,000, 000<sup>103</sup>. Both proposals were in contravention of existing policy. The compensation paid was Rs 500,000 to the families of deceased against the notified standards of Rs 100,000. In the case of bomb blast at Mohtarma Benazir Bhutto's procession, the amount given to deceased was increased to Rs 300,000 while the injured received an increased amount of Rs 100,000 each<sup>104</sup>.

102 COMP-1(11)/2009-10, FD (B&E-V)7(1)/2000-01(P11) dated 03-09-2009 & 12-09-2009. Finance department Government of Sindh.

103 Home Department, Government of Sindh, Notification No. SO(POL-II)/7-55/2009, Dated: February 6, 2010

104 Also an amount of Rs 50,000 was approved on account of loss of property

**II. Complicated Process of Award of Compensation:**

The complicated nature of the existing compensation process involves too many government departments which prevents the effective and timely provision of compensations to victims. At least six different offices are involved, including the District Government, Police Department (relevant Police Station, DPO office), District Health Department, Home Department, Finance Department, and Chief Ministers' Secretariat. The process of recipient determination as well as disbursement is also complicated and time consuming. A victim of Moharram Procession Bomb Blast Mrs. Yasmin Syed stated that the process was not only complex but it was difficult for the common citizens to get the compensation. She shared her friend's experience who had to visit every office to ensure that his name was on the list at every stage of the process<sup>105</sup>.

**III. Long Delays in Award of Compensation to the Injured:**

The process of award of compensation to the injured is especially time consuming. Analysis of six cases (See Table 26) indicates that the minimum time period was twenty three days<sup>106</sup> and maximum time for the award of compensation was eight months. The case of the Muharram Bomb Blast underscores this discrepancy-while the families of deceased received compensations within a month, it took 8 months for the injured to receive compensation. The fact that many received compensation in a timely manner indicates that the government does not lack the ability to provide timely compensation, but rather modalities and processes for verification and approval are time consuming and inefficient.

**IV. Lack of Uniformity in Disbursement Process:**

The process of disbursement also lacks predictability and consistency. At times the compensation is paid by the Home Department which prepares the cheques, while at other times Home Department places the amount at the disposal of DCOs for disbursement. For instance, in case of bomb blast of October 18, 2007 the amount was placed at the disposal of City District Government Karachi while in case of bomb blast of 10th Muharram (28th Dec 2009) the amount was placed at the disposal of Home Department. The lack of uniformity on the one hand affects the predictability of the process and on the other raises concerns of tracking the expenditure. The Home department uses the grants for informal engagement with political and religious pressure groups for ensuring their support in maintenance of law and order. This mode of operation however, raises serious concerns of transparency of the process of disbursement.

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105 Interview with the victims, Mrs. Yasmin Syed, October 12, 2010

106 The compensation to the victims of Nishtar Park Bomb Blast (11th April 2006) was awarded on May 4, 2006, within twenty three (23) days.

Table 26: Time for Disbursement of Compensation Grants-Select Cases

Incident & Date	Civilian	Compensation Law Enforcement personnel	Date of Payment
Bomb Blast at Moharrum Procession, 28th Dec 2009	500,000 for deceased and 100,000 for injured	1,000,000 to 2 persons one being Rangers Lance Naik	Payment to deceased Feb 23, 2010 (56 days)
			Payment to Injured September 2010 (08 months)
Bomb Blast at Mohtarma Benazir Bhutto's Procession on 18th Oct 2007	300,000 for deceased and 100,000 for injured	N.A	April 2008 (06months)
Nishtar Park Bomb Blast 11th April 2006	300,000 deceased and 50,000 injured	N.A	4th May 2006 (23 days)
Bomb Blast at Marriot Hotel/ US Consulate 2nd March 2006	100,000 deceased and 50,000 injured	100,000 to Rangers Lance Naik Zafar who died at the spot	Oct 2006 (07 months)
Bomb Blast at PIDC House near Sheraton Hotel 15th Nov 2005	100,000 to deceased and 30,000 to injured	N.A	12th May 2006 (06 months)
Suicide attack at Imam Bargah Madinatul Ilm 30th May 2005	100,000 to deceased and 30,000 to injured	N.A	30th Dec 2005 (07 months)

#### V. Political Influence:

It was observed that the compensation would often adhere to notified standards unless the victims belonged to certain influential pressure groups. Certain political and religious groups often ensure payment of higher amount to their members. Such differential treatment highlights the problematic role of political influence in the provision of compensation as well as how in practice, government compensation mechanisms fail to treat victims equally.

#### VI. Absence of a Dedicated Budget Line for Compensation:

The process is also burdened by the lack of a dedicated budget line. Without a dedicated budget line for compensation all awards fall under the head of 'others' making it necessary that the Chief Minister approves each and every disbursement. As a result, the award of compensation is needlessly complex and



subject to significant delays. As the present budget line (A046) is not dedicated for the grant of compensation to civilian victims, multiple expenditures are charged from the same account<sup>107</sup>. For example, a grant of Rs 100,000 was given to renowned singer Ustad Fateh Ali Khan on account of fire in his house from the same budget line<sup>108</sup>. Similarly, the payment of Rs 2,646,858 was made to Agha Khan Hospital and that of Rs 121,537 to National Medical Centre Karachi on account of treatment dues to patients referred to these hospitals on the directives of Chief Minister from Head A046<sup>109</sup>. Such practices raise serious concerns regarding transparency and accountability of government funds.

#### **VII. Limited Public Access to Information:**

The existing framework also lacks mechanisms to track and monitor compensation, and measures to ensure victims and the public have access to relevant information regarding compensation. Mr Abid Ali Syed whose sister in Law Tabassum Sajjad and her husband Sajjad Hassan died in the bomb blast on M. A. Jinnah Road, whereas his wife got seriously injured, complained during an interview that he did not know which office to contact, to check the progress of the claim<sup>110</sup>.

#### **VIII. Lack of Grievance Redress Mechanism/Appeals Process for the Victims:**

There are also no mechanisms for victims to file complaint about irregularities or issues in the processing of claims. The importance of putting such mechanisms in place can be understood by the case of Mr. Abid Ali, whose wife was injured in the Bomb blast on M A Jinnah road. More than ten months have passed and his wife has not received the compensation yet. The unfortunate aspect of the situation is that he is not sure what to do and which office shall he contact for resolution of his problem.

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107 Interview with Mohsin Mushtaq Chandna, Secretary Planning and Development, Government of Sindh

108 COMP-1(23)/2008-09, dated 08-07-2009, Finance department Government of Sindh.

109 COMP-1(11)/2009-10, FD (B&E-V)7(1)/2000-01(PII) dated 03-09-2009 & 12-09-2009. Finance department Government of Sindh.

110 Interview with Mr. Abid Ali, October 12, 2010



# Federally Administered Areas (AJ&K, GB & ICT)

- Azad Jammu & Kashmir (AJ&K)
- Process for Award of Compensation Gilgit-Baltistan
- Process for award of compensation
- Islamabad Capital Territory
- Compensation for Civilian Victims in AJ&K
- Compensation for Civilian Victims of Terrorism and Conflict
- Compensation Policy of ICT Administration
- Process for Award of Compensation
- Award of Compensation in Federal Territories - Analysis of Process and Implementation





# Federally Administered Areas

(AJ&K, GB & ICT)

The federally administered areas include Islamabad Capital Territory (ICT), Azad Jammu and Kashmir (AJ&K), Federally Administered Tribal Areas (FATA), and Gilgit-Baltistan (GB). Except FATA, which is not included in the scope of present study, the rest of the federally administered areas have suffered less violence and terrorism than other areas of the country. As in the provinces, the law and order as a subject is in the domain of the administrative units. AJ&K, Gilgit-Baltistan and the federal capital have their own policies/programs for award of compensation to civilian victims. Therefore, the present section separately examines the existing frameworks for provision of compensation to civilian victims of conflict and terrorism in the selected administrative units including Azad Jammu & Kashmir, Gilgit/Baltistan and Islamabad Capital Territory.

Table 27: Conflict in Federally Administered Areas<sup>III</sup>

Year Region	2006	2007	2008	2009	2010	Total	%age of the total incidents in Pakistan
AJ&K	3	2	2	5	10	22	0.003%
GB	1	2	0	8	25	36	0.005%
ICT	0	2	5	11	6	24	0.004%
Total	4	6	7	24	41	82	

## Azad Jammu & Kashmir (AJ&K):

Azad Jammu and Kashmir remained relatively peaceful in recent years as compared to the rest of the country. The region witnessed low scale terrorist activities in 2007 and 2008. However, the incidents of violence and terrorism increased in 2009. There were two suicide attacks, one targeting a military camp while the other occurred during a Muharram (religious) procession. The attacks resulted in death of 15 civilians and injuring 31. The number of incidents in 2010 increased but the damage to civilian person and property was substantially less than the previous year. The reported civilian casualties in 2010 were a result of cross border firing by the Indian armed force along the line of control.

III National Crisis Management Cell, Ministry of Interior, Government of Pakistan

**Table 28: Incidents and Number of Civilian Casualties in AJ&K 2006-10<sup>112</sup>**

Source	2006	2007	2008	2009	2010
Incidents	3	2	2	5	10
Injured	0	7	18	31	4
Killed	1	0	0	15	1

In terms of the loss incurred by the civilian population vis-à-vis the law enforcement agencies, the examination of available data indicates that the pattern of violence is similar to rest of the provinces whereby number of civilians killed in last five years is much higher than the LEAs. Since, 2006, 17 civilians were killed in conflict and terrorism related incidents whereas the number of LEA personnel stood at eight (08).

**Table 29: Civilian and LEAs A Comparative Statement of Killed & Injured AJ&K 2006-10**

Target	2006		2007		2008		2009		2010		Total	
	Killed	Inj.	Killed	Inj.	Killed	Inj.	Killed	Inj.	Killed	Inj.	Killed	Inj.
LEAs	3	1	0	0	0	0	2	6	3	22	08	29
Civilians	1	0	0	7	0	18	15	31	1	4	17	60

## Compensation for Civilian Victims in AJ&K:

There is no specific programme for award of compensation to civilian victims of conflict and terrorism. Nevertheless, AJ&K has two specific legislations which deal with the provision of relief and compensation to civilians suffering physical and financial loss as a result of accidents, calamities, epidemic, and incidents along the ceasefire line. The cases for award of compensation to civilian victims of conflict and terrorism and conflict are also dealt under the same laws these include:

- a. The Azad Jammu and Kashmir Distressed Persons Relief Act 1985 /The Azad Jammu and Kashmir Distressed Persons Relief Rules 1982<sup>113</sup>
- b. The Azad Jammu and Kashmir Cease Fire Line Incidents Relief Act 1992<sup>114</sup>

<sup>112</sup> Ibid.

<sup>113</sup> As Amended by The Azad Jammu and Kashmir Distressed Persons Relief (Amendment) Ordinance 2010

<sup>114</sup> As Amended by The Azad Jammu and Kashmir Cease Fire Line Incidents Relief (Amendment) Ordinance 2002

### The Azad Jammu and Kashmir Distressed Persons Relief Act 1985:

The law was originally promulgated as an ordinance in 1982 (The Azad Jammu and Kashmir Distressed Persons Ordinance 1982) in order to provide relief and compensation to the people facing physical or a financial loss. The AJ&K Assembly enacted it in 1985 (Act XXIX of 1985). Key features of the law include:

- i. Provision of compensation for those citizens of AJ&K who have suffered physical or financial loss as a result of an accident, epidemic or any other calamity. It also provides for relief to the dependents of a person who lost his life in an accident, fire, epidemic or any other calamity<sup>115</sup>.
- ii. The law provides for the establishment of a fund titled Distressed Persons Relief Fund, to meet the requirements of relief for distressed persons<sup>116</sup>.
- iii. The stipulated compensation was revised in 2010 through introduction of AJ&K Distressed Persons Relief (Amendment) Ordinance 2010. The details are given below:

**Table 30: Compensation as provided under AJ&K Distressed Persons Relief Act 1985**

Nature of Loss	AJ&K Distressed Persons Relief Act 1985	AJ&K Distressed Persons Relief (Amendment) Ord 2010
Loss of Life	20, 000	1,50,000
Injury	10, 000	-
Grievous Injury		50,000
Permanent Disability		75,000

### The Azad Jammu and Kashmir Cease Fire Line Incidents Relief Act 1992:

The law was enacted to provide relief to the persons who are physically affected by enemy action along the cease fire line in Azad Jammu and Kashmir, key features include:

- i. The law defines the victim as a person who has suffered physical impairment due to enemy's action from across the cease fire line<sup>117</sup>. It acknowledges the legal heir of a victim who has lost his life as result of an enemy action as eligible for relief from the government of Azad Jammu

115 Section 2 (b) (i), The Azad Jammu and Kashmir Distressed Persons Relief Act 1985

116 Section 3, The Azad Jammu and Kashmir Distressed Persons Relief Act 1985

117 Section 2(g) (I)

and Kashmir.

- ii. The Act establishes Cease Fire Line Incidents Relief Fund, to meet the requirements of relief for the victims and their legal heirs.
- iii. The standards for compensation are provided in the schedule to the Act. The stipulated compensation standards were revised in 2002. Act was amended in 2002 to revise the compensation rates as following: In case of Death the compensation payable was Rs. 50,000, and in case of disability Rs. 25,000 and in case of other injuries the compensation was fixed at Rs. 5,000 to Rs. 15,000

**Table 31: Compensation as provided under AJ&K Cease Fire Line Incidents Relief Act**

Nature of Loss	AJ&K Cease Fire Line Incidents Relief Act 1992	AJ&K Cease Fire Line Incidents Relief (Amendment) Ordinance 2002
Loss of life	Rs 20,000/-	50,000
Permanent Disability	Rs 20,000/-	25,000
Grievous injury	Rs. 10, 000	Rs. 5,000 to Rs. 15,000

### Process for Award of Compensation:

The cases for compensation are processed at the district level by a Board of Officers constituted under the relevant provision of the law<sup>118</sup>. The board consists of Revenue Assistant/Extra Assistant Commissioner as the chairperson along with the Deputy Superintendent of Police of the district and the Tehsildar/ or Naib Tehsildar of the area of the incident.

In case of an incident of terrorism or conflict resulting in death or injury of a civilian/s the process of listing and identification of the victims is undertaken by revenue department officials after filing of FIR in the concerned Police Station. The revenue official (Tehsildar or Naib Tehsildar) of the relevant sub-district will visit the site of the occurrence and will prepare an assessment of the damage<sup>119</sup>. The detailed assessment along with the details of the injured or deceased is submitted to the Board of Officers. The Board of Officers after evaluating the case recommends compensation for the victim. The recommendation of the Board of officers is submitted to the Deputy Commissioner of the

118 Section 3 of the Azad Jammu and Kashmir Distressed Persons Relief Rules 1982

119 Section 4- Mode of Relief, Azad Jammu and Kashmir Distressed Persons Relief Rules 1982

District who forwards it to the Commissioner for onward submission to the Relief Commissioner/Senior Member Board of Revenue for the orders of payment of compensation. The compensation amounts are charged to Distressed Persons Relief Fund, budgeted under Demand 37, Major Head 61 Misc: Minor Head 5: Relief to distressed Persons.

In case the injury or death is caused by hostile actions along the cease fire line, the same process is followed as Section 4 of the Azad Jammu and Kashmir Cease Fire Line Incidents Relief Act 1992 also provides for establishing a board of officers on the same pattern as noted above. The compensation grant however is charged to the Cease Fire Line Incidents Relief Fund.

## Gilgit-Baltistan:

Gilgit-Baltistan, formerly known as Northern Areas, has a sensitive law and order situation owing to a longstanding sectarian conflict. Gilgit city in particular has remained under the grip of sectarian violence. After the killing of a religious scholar Agha Syed Ziauddin on January 8, 2005 Gilgit city was engulfed by serious sectarian clashes resulting in killing of 18 people in a matter of hours. The sporadic sectarian killings continued till 2006. In the last few years the situation has remained mostly calm. The incidents of terrorism are infrequent, but the sectarian tension is still high, which increases the risk of future violence and armed conflict. In 2009, the target killing of deputy speaker of the Gilgit-Baltistan Legislative Assembly Syed Asad Zaidi on April 20, resulted into a widespread sectarian conflict. The sectarian conflicts in 2009 caused the deaths of 17 civilians and injuring 14. During the last year, 2010, twenty five (25) incidents of conflict were reported which resulted in deaths of 06 civilians.

**Table 32: Incidents and Number of Civilian Casualties in GB 2006-10<sup>120</sup>**

	2006	2007	2008	2009	2010
Incidents	1	2	0	8	25
Injured	0	2	0	14	3
Killed	1	0	0	17	6

The data from the last five years indicate that twenty three (23) civilians became victim of sporadic sectarian conflicts in GB. Whereas, in the same period number of LEA personnel getting injured or killed is quite low.

<sup>120</sup> NCMC, Ministry of Interior, Government of Pakistan

Table 33: Civilian and LEAs: A Comparative Statement of Killed & Injured GB 2006-10<sup>121</sup>

	2006		2006		2006		2006		2006	
	Killed	Inj.	Killed	Inj.	Killed	Inj.	Killed	Inj.	Killed	Inj.
LEAs	0	0	0	0	0	0	0	0	1	3
Civilians	1	0	0	2	0	0	17	14	6	3

### Compensation for Civilian Victims of Conflict and Terrorism:

Gilgit Baltistan has no specific policy or legal framework for award of compensation. Similar to other provinces, the compensation for civilian victims is based upon administrative notifications.

The compensation for the civilian victims being killed as result of law and order situation is Rs. 300, 000 and Rs. 100, 000 for the injured<sup>122</sup>. Comparatively the Government of GB has introduced a comprehensive financial assistance package for the LEAs<sup>123</sup>. The government of GB has recently revised the compensation package for the LEA personnel killed in law and order related situations provides for a compensation of Rs. 3,000,000 and Rs. 500,000 in case of permanent incapacitation. In case of temporary incapacitation or injury an amount of Rs. 300,000 has been fixed.

Table 34: Compensation for Civilian Victims in GB

No.	Type of Loss	Compensation (Civilian)	Compensation (LEAs)
1	Loss of life due to Law and order situation	Rs 300,000/-	3,000,000
2	Major Injury, resulting in Incapacitation	Rs 100,000/-	Rs. 500,000
3	Injury/Temporary Incapacitat	NIL	Rs. 300,000

### Process for award of compensation:

In case of an incident relating to terrorism or conflict, the relevant Deputy Commissioner (DC) is responsible for processing of the cases for award of compensation. The office of

121 NCMC, Ministry of Interior, Government of Pakistan

122 No. SOH-1(3)/Compensation/2010(F&A), Home and Prisons Department, Government of Gilgit-Baltistan. Dated September 15, 2010.

123 No. Fin-A-1 (102)/2010, Finance Department, Government of Gilgit Baltistan



DC prepares a report of the incident on the basis of FIR lodged with the local police station. The report lists the details of the injured and deceased. The office of the DC is also responsible for verification and collection of information regarding the legal heirs of the deceased victims.

The detailed report is submitted to the Home and Prisons Department for further action. On receipt of the report the Home and Prisons Department initiates a summary for the approval of the Chief Minister. The summary is forwarded to the Finance Department for review and onward submission to the Chief Minister for approval. The Finance Department sends the Summary to the Chief Minister for approval / sanction of funds. After the approval of the Chief Minister, the funds are transferred to the DC for onward disbursement to the victims or their legal heirs.

## Islamabad Capital Territory:

Islamabad generally remained peaceful until 2007 with few reported incidents of terrorism or conflict affecting civilians' life and property. However, after military operation against militants in the Lal Mosque<sup>124</sup> in 2007; Islamabad has been frequently hit by terrorist attacks. In the aftermath of this operation, the people of Islamabad faced two major suicide attacks that jointly resulted in the death of 140 people and 338 injured. The violent retaliatory attacks continued in 2008 and 2009 causing serious damage to the life and property of the civilians.

In 2008 there was a significant rise in the number and scale of the terrorist attacks. The attack on Marriott Hotel on September 20, 2008 was one of the major suicide attacks killing as many as sixty eight (68) civilians and injuring three hundred and twenty five (325). The year 2009 witnessed eleven terrorist incidents during the months of March to December killing twenty seven (27) persons and injuring more than sixty five (65) of which forty three were civilians. The major attacks included the suicide attacks on the International Islamic University and UN World Food Programme. These attacks jointly claimed twelve (12) civilian lives. The last year, 2010, remained relatively calm. Six incidents of terrorism resulted in the deaths of ten (10) civilians and injured thirteen (13)<sup>125</sup>.

124 Lal (Red) Mosque Operation (Operation Silence) was conducted against the militants/students of Lal Mosque and Jamia Hafsa seminaries in Islamabad. This started as the students and militants lead by the Mosque and Seminary in charge attempted to occupy a nearby Government building and also snatched a number of rifles from the security Personnel. Sporadic clashes between Lal Mosque students and the security forces continued for eight (8) days.

125 Data based on the statistics provided by NCMC MoI, Chief Commissioner Office, and PIPS Reports.

**Table 35: Number of Incidents of Conflict and Terrorism and Civilian Casualties-Islamabad**

Source	2006	2007	2008	2009	2010
Incidents	0	2	5	11	6
Injured	0	97	325	43	13
Killed	0	20	68	27	10

The evidence suggests that though LEAs have been targeted by the terrorist groups, nonetheless civilians remained main targets for the terrorists. In the last five years 110 civilians lost their lives as a result of terrorist activities in contrast to 38 killings of LEA personnel, whereas 478 civilians were injured as compared to 78 LEA personnel.

**Table 36: Comparison of Civilian and LEA Casualties & Injured**

Source	2006	2007	2008	2009	2010
<b>K I L L E D</b>					
LEAs	0	7	17	14	0
Civilians	0	20	68	12	10
<b>I N J U R E D</b>					
LEAs	0	23	34	21	0
Civilians	0	97	325	43	13

### Compensation Policy of ICT Administration:

Stunningly, the ICT Administration has no defined policy or even administrative notification on providing compensation to civilian victims of conflict and terrorism. The ICT Administration acts in a case-to-case, ad-hoc manner. In absence of any notified procedure or standards for compensation, generally the response is based upon the official announcement by the Federal Ministry of Interior or the Prime Minister office leading to subsequent approval of the rates for award of compensation to the civilians by the Prime Minister. The latest approved rates of compensation to provide financial

assistance to the civilian victims are Rs. 400, 000 for the deceased and Rs. 100,000 for major injury<sup>126</sup>.

**Table 37: Last Notified Compensation Rates for Civilian Victims in Islamabad Capital Territory<sup>127</sup>**

Death	Major Injury
Rs. 400,000	Rs. 100,000

## Process for Award of Compensation:

No standard process for awarding compensation exists in ICT-without a clear policy, compensation is determined and awarded on case-to-case basis. In general practice, as in the other provinces, any compensation award starts with registration of an FIR in the relevant Police Station. In case of an announcement for award of compensation to the victims of terrorist attack by the Federal Government, the office of the Chief Commissioner ICT initiates the process in a routine manner. The listing of the victims and injured of the incident are completed on the basis of FIR. The listing is done in coordination with the federal government hospital authorities. In case of deceased death certificate is to be issued by the government hospitals, similarly in case of the injured the medical report has to be provided. On completion of these requirements the Chief Commissioner office submits the report to the federal Ministry of Interior (MoI) with proposed compensation rates for the deceased and injured<sup>128</sup>.

The MoI on the basis of the report from the office of the Chief Commissioner, ICT prepares a summary for the Prime Minister. The summary is sent to the Federal Ministry of Finance (MoF) for evaluation and comments and its onward submission to the office of the Prime Minister. Since, the rates are not notified, formal approval of the Prime Minister is necessary for the processing of the cases. After approval by the office of the Prime Minister, MoF authorises the payment of compensation. On completion of the process for approval of rates the Chief Commissioner office issues the compensation cheques to the victims or their legal heirs<sup>129</sup>.

126 Interview with Additional Deputy Commissioner General, Islamabad Capital Territory

127 Finance Division, U.O. No. 3(2)/2009-DFA(ID)/ dated 23-02-2010

128 Interview with Director Planning, Chief Commissioner Office, ICT

129 Interview with Dr. Ehtesham Anwar, Additional Deputy Commissioner General ICT, November 2, 2010

Table 38: An Overview of Terrorist Incidents and Compensation Paid in ICT 2007-10

No.	Location of Bomb Blast	Blast Date	Day	No. of Persons		Compensation	Date of Release
				Died	Injured		
1	F-8 Markaz	19.7.07	Thursday	17	77	17.880 (Million) Released	N.A
2	Aabpara Market	27.7.07	Friday	21	76		
3	Marriot Hotel	26.1.07	Saturday	2	-		
4	Denmark Embassy	2.6.08	Monday	6	28	1.4 (Million) Released	20.10.08
5	Melody Chowk	06.7.08	Sunday	20	45	2.850 (Million) Released	21.2.09
6	Khyber Hotel Sihala	26.8.08	Tuesday	6	11	1.4 (Million) Released	17.2.09
7	Marriott Hotel	20.9.08	Saturday	56	266	43.400 Released	1.12.08
8	Police Line	09.10.08	Thursday	-	11		
9	Special Branch	23.3.09	Monday	1	1	300,000/- (Demanded)	
10	F.C Check Post	04.4.09	Saturday	8	5	2,800,000/-	
11	Rescue 15	06.6.09	Saturday	2	4	1,000,000/- (Demanded)	
12	World Food Programme, F-8	05.10.09	Monday	4	5	1,700,000/- (Demanded)	
13	International Islamic University, Islamabad	20.10.09	Tuesday	9	35	6.900 (Million) (Demanded)	31.3.10
14	Naval Headquarter, Islamabad	02.12.09	Wednesday	2	13	1,900,000/- (Demanded)	
15	Sain Boota Darbar, Shakrial Islamabad	24.12.09	Thursday	1	2	500,000 Released	3.3.10
		Total		155	579		

## Award of Compensation in Federal Territories-Analysis of Process and Implementation:

The analysis of the process of award and dispensation of compensation in ICT and the Federal territories highlights a number of serious concerns, ranging from absence of

standards for provision of compensation and inadequate compensation to delays in award of compensation. The key issues in this backdrop include:

**I. Lack of a Comprehensive Policy and Legislation for Compensation:**

In terms of policy and legislation for award of compensation each of the three federally administered areas discussed in the foregoing sections have distinct set of limitations:

- a. The framework in AJ&K stands out as there are formal legislations for provision of financial assistance to the victims of accidents and incidents along the ceasefire line. However, the existing legislation partially addresses the rights of the civilian victims of conflict and terrorism.
- b. The practice in GB is similar to the rest of the provinces from the viewpoint of absence of a specific policy and standard procedures leads to unusual delays in payment of compensation to the victims.
- c. The state of affairs in ICT is dismal as there is neither a framework for award of compensation in case of ICT, nor any notified standards for award of compensation to the civilian victims. The victims only become eligible for compensation if and when it is announced. The ad-hoc nature of the framework has serious implications for the civilian victims of terrorism. With no defined procedures for identification, processing and award of Compensation the civilian victims are denied an equal and effective remedy to the damages suffered by them.

**II. Inadequate Standards of Compensation for the Civilian Victims:**

There are number of inadequacies in the notified standards for award of compensation in AJ&K, GB and ICT.

- a. In case of AJ&K, despite having a well crafted mechanism to compensate the heirs of deceased and victims, the compensation amount are substantially less. Award Rs 150,000/- in case of death, 50,000 in case of disability and Rs. 50,000 in case of grievous hurt under AJ&K Distressed Persons Relief Act 1985 while award of 50,000 in case of death, 25,000 in case of disability and Rs. 5,000 to Rs. 15,000 in case of injury under AJ&K Cease Fire Line Incidents Relief Act 1992 is too meager to cause redress to the heirs of a deceased or to an injured person.
- b. The compensation for the civilian victims being killed as result of law and order situation in GB is Rs. 300,000 and Rs. 100,000 is fixed for the injured. There is no separate category for the minor injury or disability. The Government of GB should separately announce for award of compensation to those who receive minor injuries which are less than

permanent impairment of a vital body organ.

- c. Similarly in case of ICT the compensation awarded to victims suffering a major injury is only Rs. 100,000 and there is no provision for award of any compensation to those who receive minor injuries.

### **III. Long Delays in Award of Compensation:**

Long delays in award of notified compensation was observed especially in the case of Islamabad Capital Territory. The analysis of the data indicates that the victims belonging to politically advantaged groups are likely to get the compensation in a more efficient manner. As in the case of Shakrial Shrine blast the victims got compensation in about two months (63 days) however the victims of the earlier blasts at F.C. Check Post(04-04-09), Rescue 15 (06-06-09), and World Food Programme (05-10-09) have yet to receive any compensation. The delays are symptomatic of absence of a functional framework to address the issues of the civilian victims of terrorism and conflict.

### **IV. Absence of Compensation for Victims of Targeted Killings and Crossfire:**

The targeted killings have increased in recent years especially in GB the recent killing of the deputy speaker of the Gilgit-Baltistan Legislative Assembly Syed Asad Zaidi is one such incident. However, the existing arrangement in GB, ICT and AJ&K is deficient on this count. Likewise, civilian victims killed or injured in crossfire are also not officially covered under the current arrangements. A taxi driver who was caught in cross fire during the Lal Mosque operation in Islamabad in 2007 has failed to get any monetary support from the government as there is no option of providing compensation to the victims of crossfire<sup>130</sup>.

### **V. No Dedicated Budget Line:**

Except AJ&K government which budgets funds in the Distressed Persons Relief Fund, there is no dedicated budget line for compensation grants in GB and ICT. The case of GB is similar to Punjab and Sindh where the compensation grants for civilian victims are made from multiple heads of account. Mostly the head of "Others" is utilized, which is meant for miscellaneous expenditure and Chief Minister's approval is necessary for disbursement. In ICT the compensation grants are provided from the lump sum amount budgeted with the Federal Ministry of Finance, obligating the approval of expenditure from the office of the Prime Minister. The absence of dedicated budget lines not only contributes to long delays in payment of compensation but also creates serious obstacles in tracking the payments and has implications for the transparency of the system.

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130 Interview with the brother of injured taxi driver, January 10, 2011

**VI. Public Access to Relevant Information:**

There are no defined mechanisms for provision of information regarding details of the incident or to provide access to relevant information to the victims and their families. Though, in case of events of terrorism and major violence emergency help-lines and counters are temporarily established at local DC offices, but the absence of a formal system for information sharing regarding the processes for listing and verification of victims, award of compensation, and tracking the status of notified/announced compensation adds to the miseries of the victims.

**VII. Lack of Grievance Redress Mechanism/Appeals Process for the Victims:**

There is no forum or process to appeal for civilian victims and their families for redress of grievances faced by them in accessing the notified compensation. The inadequacy results in the victims and their families' inability to challenge the problems in process of identification, verification, evaluation of injury, determination of compensation and delays in award of compensation.







# Conclusions & Recommendations



# Conclusions & Recommendations

Pakistan faces significant levels of insecurity due to ongoing incidents of conflict and terrorism. Civilians continue to bear a disproportionate burden of these costs, with thousands being killed or injured every year. Yet existing laws and policy initiatives that have emerged over the years to respond to incidents of conflict, terrorism and war are implemented on an ad-hoc and thus inequitable basis. Current procedures determining compensation allocations and payment disbursements are often time-consuming and multi-layered. Since most, though not all, victims of terrorism already come from poor and disadvantaged backgrounds, their economic plight is exacerbated further as they and/or their families endeavor to secure monetary assistance. Furthermore, the absence of independent budget lines at the federal and provincial levels raises serious concerns over transparency and accountability in terms of financial management, while undermining efficient settlement of funds. The lack of functioning mechanisms ensuring public access to relevant information as well as an in-built system for grievance resolution also represent major shortcomings in the compensation regime and may prevent many from receiving payments.

Pakistan's legal system is, in fact, not unfamiliar with the principle of civilian compensation. Past legislation created insurance funds and indemnified civilians against injuries in times of traditional state-to-sovereign-to-sovereign-state war and mass uprising against the ruling state, namely in 1965 and 1971, respectively. Although the Pakistani state does not today face a traditional 'enemy', it is battling an equally serious threat to its writ and stability. Thus, the upsurge in conflict- and terrorism-related violence ought to serve as a dire warning against further delays in introducing comprehensive and concrete steps at both the federal and provincial levels to provide financial safeguards for civilian victims of aggression. However, this has yet to happen; with all levels of government preferring to opt for a short-term perfunctory approach, relying on mere administrative notifications to meet this challenge. In Islamabad Capital Territory (ICT)-one of Pakistan's two federal territories, the other coming under the FATA grouping-the federal government has failed to adopt even these short-term measures, thereby leaving many victims with no access to state assistance.

This study evaluates the aforementioned shortcomings in the existing compensation structure, paying particular attention to its non-systematic application. It also explores the politicized nature of financial assistance that prevails in almost every province. Compensation commitments and subsequent follow-up procedures are often based on political expediency as opposed to genuine merit. Thus those with political linkages are positioned to avail the system, while those without such influential backing have their rights ignored. The following is a summary of key findings:

**1. Absence of National Response:**

The sheer magnitude of the ongoing challenges of conflict and terrorism facing Pakistan necessitates a national response. The state claims to be in a state of war, yet it has failed at all tiers to formulate any kind of policy at the national level or even framework of guiding principles to address the plight of civilian victims of conflict and terrorism.

**2. Absence of Comprehensive Compensation Policy and Supporting Legislation:**

The absence of comprehensive policy and supporting legislation to govern compensation applications by and payments to civilians represents a common denominator in all provinces. This includes the lack of uniform processes and standards to determine compensation amounts as well as tardy disbursement of payments. This policy and legal inadequacy further undermines any existing compensation frameworks. As do the absence of clear definitions of conflict, terrorism and a civilian population.

**3. Categories for Injured Victims:**

Compensation frameworks in Balochistan, ICT and Gilgit-Baltistan provide just a single category for victims. No distinction is made between those killed and those suffering either serious or minor injuries: all are treated on paper as 'injured' parties. In those provinces that do provide separate compensation rankings for varying degrees of injury, procedures to assess their nature remain opaque and are often left to the discretion of government hospitals.

**4. Complex Compensation Award Procedures:**

In all four provinces, accessing compensation mechanisms proves time-consuming since procedures remain complex, with too many government departments being involved. This includes processes for victim identification and registration, as well as the ascertaining of legal heirs and securing final dispensation of claims. In short, existing frameworks operate on a non-systematic basis and are difficult for victims and their families to comprehend.

**5. Delays in Disbursement of Funds:**

Compensation claims are processed within markedly differing timeframes. Available data suggest that this may range from a few days to more than a year. It seems that high-profile cases tend to be swiftly disposed of. This indicates that the state does not lack the required competence or funds to deliver financial assistance when it is in its political interests to do so, even though existing verification and approval modalities remain time-consuming and inefficient overall. This study also found that complaints about disbursement delays and non-payment come primarily from applicants, who cite mandatory and rigorous medical evaluations as adding to the verification time process.

## 6. Contravention of Notified Standards and Procedures:

Compensation mechanisms, though largely operating on an ad hoc and thus inequitable basis, exist in every province in Pakistan, though not in ICT. Yet, notified standards and procedures are routinely violated or circumvented in most provinces, as officials tend to allow political expediency-rather than merit-to determine payments. Two pertinent examples of this are the December 2009 terrorist attacks on Lahore's Moon Market in Punjab and the 10th Muharram procession in Karachi, Sindh. In both cases, compensation was awarded to victims in contravention of existing norms. Responsibility for such breaches rests with the respective provincial Home Department and Chief Minister's Office.

## 7. Non-Uniform Treatment of Victims:

Evidence from a number of cases suggests that provincial governments tend to award compensation in a more timely and efficient manner to those victims of conflict- and terrorism-related violence who belong to political and religious pressure groups, in contravention to existing frameworks. Although there have been isolated cases where policy has been fully implemented even when the victims have had no such backing. Nevertheless, a number of victims fail to receive monetary assistance, with significant backlogs piling up in both ICT and KPK.

## 8. Absence of Dedicated Budget Lines: Compromising Transparency:

With the exception of the autonomous region of Azad Jammu and Kashmir (AJ&K), neither Pakistan's federal nor provincial governments have specific budget lines for compensation payments. In practice, this means that compensation is charged under the miscellaneous heading of 'other'. Since, multiple expenditures are charged in this way, the Prime Minister, at the federal level, must personally approve each and every claim dispensation, with the Chief Minister doing the same at the provincial level. This increases procedural complications and contributes to further delays in disbursement of funds. It also exacerbates the problem of financial tracking, transparency and accountability. The absence of dedicated budget lines means there is no steady flow of finances earmarked exclusively for compensation.

## 9. Problems in Accessing Information and Implications for Transparency:

Federal and provincial governments fail to provide civilian victims of conflict and terrorism with the necessary mechanisms to access and track all relevant information linked to supplementary compensation procedures-including those of victim identification and registration; injury evaluation; standards determining compensation amounts; and tracking of funds. Public access to this information is vital to ensuring procedural transparency as well as empowerment of citizens.

**10. Lack of Credible and Consistent Data:**

As this review highlights, there is a significant dearth of available and verifiable official data detailing different types of conflict-and terrorism-related violence, as well those of injuries suffered by civilians across each of Pakistan's four provinces. In some instances, federal and provincial government data fail to tally. In KPK, matters have been made worse by the fact that the Home and Tribal Affairs Department (H&TA) has stopped maintaining a database on such violence and its victims. This information is now only available at the divisional and district levels (KPK has seven Administrative Divisions).

**11. Absence of Grievance Redress Mechanism/Appeals Process:**

Compensation frameworks at the federal and provincial levels lack both in-built grievance redress mechanisms (GRMs) and appeal systems. Thus civilian victims of conflict and terrorism are powerless to challenge any procedural discrepancies linked to compensation awards. This is a glaring oversight on the part of the state, given that victims can neither seek recourse before courts since, with the exception of AJK no supporting legislation exists toward this end. Moreover, in Pakistan official notification orders are usually considered to be the property of the state and cannot therefore be brought to motion by the applicant. Another concern is that the absence of GRMs and appeal systems allows the state to, at times, effectively circumvent its financial obligations on technical grounds. For example in September 2010, an International Quds Day procession in Quetta was targeted by a suicide attack. Yet the Balochistan government ruled that civilian victims were ineligible for compensation since the procession had deviated from the prescribed route. Victims had no means by which to challenge this decision.

## Recommendations

With conflict and terrorism in Pakistan showing no significant signs of abating, it is imperative that the state, at all levels, formulate comprehensive mechanisms and introduce supporting legislation to compensate civilian victims of this aggression in a systematic and equitable manner. Monetary assistance not only serves to alleviate economic hardship, it also offers recognition of harm suffered by the civilian population. This study, taking into account existing frameworks and the ad hoc nature of their implementation, presents the following recommendations as part of the way forward:

**a. Formulation of Comprehensive Compensation Policy and Supporting Legislation:**

Any debate on future policy initiatives and corresponding legislation must prioritize the creation of a transparent, equitable and efficient compensation mechanism that is wholly responsive to the needs of civilian victims of aggression. Legislation should clearly define what constitutes armed conflict and terrorism; who qualifies as a civilian; outline all steps involved in making compensation claims, tracking assistance and receiving funds; and identify the roles of relevant government departments. Standards for victim verification and compensation determination must also be included, along with expected time frames for provision of funds. The case of KPK represents a useful reference point in this regard.

**b. Establishing Uniform SOPs:**

Intrinsic to the formulation of comprehensive policy and supporting legislation, as outlined above, must be development of Standard Operating Procedures (SOPs) at both the federal and provincial levels. This is to ensure that compensation cases are sanctioned in accordance with official government policy and not driven by political expediency. A committee comprising local representatives and public officials can be instituted at the district level toward this end. It would be charged with overseeing the identification and registration of victims, assessment of damage to property, as well as supervision of processing and disbursement of compensation awards.

**c. Putting in Place Effective GRMs/ Appeals Process:**

No state policy or legislation governing compensation can be said to be wholly responsive to the needs of civilian victims of conflict and terrorism if it does not provide for the implementation of GRMs and/or appeal systems. These safeguards need to be put in place at both the federal and provincial levels.

**d. Ensuring Public Access to Information:**

Following comprehensive policy implementation, federal and provincial governments must focus on devising a public information program, covering all relevant procedures linked to compensation issues. This could include the setting up of Facilitation Cells at the district level to ensure that victims and/or their families complete all necessary legal documentation to apply for and access monetary assistance. System transparency is essential for the empowerment of citizens and also provides an additional layer of checks-and-balances on the system itself.

**e. Ensuring Availability of Credible and Verifiable Information:**

Given the problems already mentioned with official data, the state should establish a national database to keep track of ongoing violence and the human costs incurred. This could be developed in coordination with the National Database and Registration Authority (NADRA), which is charged with registering (and issuing identity cards to) all of Pakistan's citizens. Credible information data is not only in the national interest, increasing, as it does, long-term transparency and accountability; it also aids independent evaluation-based research.

**f. Creation of Dedicated Budget Lines:**

Instead of releasing compensation funds from general and lump sum grants, federal and provincial governments can strengthen transparency and accountability by devising dedicated budget lines specifically for this purpose. These can be then subjected to annual performance audits by the Auditor General's Office, including an evaluation of disbursements and pinpointing reasons for delayed payments. In addition, provinces should look at establishing their own contingency funds to support district governments (the third tier of government in Pakistan) in times of need.

**g. Permanent Fund for Disabled Victims:**

A special fund/scheme of pensions under statutory provisions needs to be created for the victims and their families especially those suffering disability. Specific legislations for creation of insurance funds and indemnifying injuries to civilians in times of war were done during the War of 1965 and 1971. Similarly, the AJ&K has established similar funds for the relief of distressed persons as well as the victims of ceasefire line incidents. The federal and provincial governments can justify the creation of such a fund for civilian victims based on the scale and scope of the threat presented by Conflict and Terrorism in Pakistan and the losses suffered by civilians











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