

BACKGROUND

National Action Plan: Performance so far

Azam Khan and Aamir Saeed

Abstract

In April 2015, the government released performance report of the National Action Plan (NAP) the government had charted earlier to confront militancy. This essay assesses the performance on the NAP by consulting the performance report and interviewing experts. Besides taking note of the progress the government achieved in this time frame, the essay looks for areas which the government has completely ignored. Specific issues the authors delve into are: regulation of madrassas, undecided status of FATA, resumption of death sentence, curbing of hate speech, and establishment of military courts. The authors note that a lot needs to be done, to translate words into action, reminding the government that it should take effective use of the rare consensus achieved on anti-militant front

National Action Plan: Performance so far

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The National Action Plan or NAP, meant to collectively fight extremism and terrorism came in the wake of the brutal attack on a school in Peshawar by militants in December 2014 (Doherty and Weaver, 2014).

Within a week to the attack, Prime Minister Nawaz Sharif convened an all-parties conference, where leaders of all major parties agreed upon a 20-point plan.¹ The outcome of that conference is hailed as the first time when all political parties unanimously reached a consensus to root out terrorism and extremism from the country. A week later, on January 2nd 2015, another all-parties conference was convened, in which the chief of army staff also participated, more so to offer his input in establishing military-led courts for the trial of terrorists.

With points agreed, the Prime Minister announced on television, “A line has been drawn. On one side are

coward terrorists, and on the other side stands the whole nation.” In the address, the Prime Minister also detailed the twenty (20) points of the National Action Plan.

Soon, the government started pursuing the NAP. To give legal cover to the military-led courts, one of the 20 points of NAP, the parliament passed a constitutional amendment. Moreover, the government, among other things, constituted 15 committees overseeing NAP’s implementation.

But, not everything was smooth about NAP. Many experts wondered many things, above all, the secrecy of the military-led courts and the resumption of death penalty, another NAP point. As if policy disagreements were not sufficient, personal differences within the cabinet too hindered progress of the NAP.²

¹ Full text of the prime minister’s speech to the nation regarding National Action Plan can be accessed at <http://www.pmo.gov.pk/pm_speeches.php>

² Authors’ interview with General (retd.) Talat Masood, a defence and security expert based in Islamabad.

To recall, Pakistan has suffered enormously at the hands of militants in the last 13 years. 26,385 civilians and security personnel have died from the attacks since 2003. Yet, successive governments failed to strategize consensus on countering militants. The Pakistan Muslim League (Nawaz), after coming into power in 2013, presented the country's first-ever National Internal Security Policy (NISP) in the National Assembly on February 26th 2014. Even though the NISP, first approved by the federal cabinet, was accepted as satisfactory document, it lacked implementation in the end (PILDAT, 2014).

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A step ahead of the NISP, National Action Plan was announced. The December 16th attack called for

taking this document with seriousness.

To document the progress on the NAP, the interior ministry also compiled performance report. The report, enlisting all actions taken so far under the NAP to counter terrorism and extremism, is presented to the prime minister. This essay assesses the NAP's progress in light of that report, a copy of which is also available with the authors.

“Ambitious wish list”

More than three months have lapsed, after the NAP was announced. Still, a lot needs to be done.

NAP's twenty points, aimed at fixing administrative bottlenecks mostly, make the list exhaustive and at times, digress from taking on militants.

Security expert Imtiaz Gul, who also runs an independent think-tank, argues that the NAP sounds an “ambitious wish list”. Except for the resumption of death penalties and establishment of military courts, he argued, “no practical measures are initiated to implement” the plan.³

³Authors' interview with ImtiazGul, a defense and security analyst and

executive director of Center for Research and Security Studies in Islamabad.

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The plan itself came in haste, more like a reactive consensus against the militants' attack on a school, rather than a well thought-out plan.⁴ Those who worked on the NAP complain the government didn't give them enough time to come up with a "concrete document" against terrorism and extremism. That is why, they said, part of the focus was synched with the ongoing military operation in North Waziristan and Khyber agencies of FATA (Khan, 2015).

Who is in charge?

The task for implementing National Action Plan comes under interior ministry, responsible for internal security, under the supervision of the prime minister. On the night of December 25th 2014, the prime minister, for instance, directed the interior minister to work on

⁴Authors' interview with Rustam Shah Mohmand, a former diplomat and one of the authors of the NAP.

immediate activation of National Counter-Terrorism Authority (NACTA), so that to materialize a joint intelligence directorate.

Some point towards the personal differences between the prime minister and interior minister. The two - Prime Minister Sharif and Nisar Ali Khan, interior minister - have often been in the

However, within four months, the interior ministry seems to be somewhat sidelined from the NAP. An April 2015 performance report presented to the prime minister, on implementation of the NAP, doesn't even mention the ministry of interior.

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⁵Authors' interview with Gen (retd.) Talat Masood.

military, to the determinant of civilian supremacy.

The institutional crisis was summarized by a retired military officer:

“At the moment, no institutional decisions are being taken to ensure implementation of the action plan. At least, I haven’t heard or read about a cabinet, security committee or Nacta (National Counter-Terrorism Authority) meeting on impending threats of terrorism and extremism.”

Apparently, the civilian government has outsourced the plan to the military, to the determinant of civilian supremacy.

The performance report also reveals that nothing practical has been done so far to activate the joint intelligence directorate, a key department envisioned streamlining intelligence sharing among provinces and different security agencies (Ghumman, 2015). Little is known why. Still, it must, however, be recalled that the government’s present attempt of coming up with a

satisfactory document, National Internal Security Policy (NISP) failed, because of the tussle between the civilian and military bureaucracies, which were tasked to pool their information to a single-point intelligence authority.⁶

Death penalties and military courts

The very first point of the NAP calls for “implementation of death sentence of those convicted in cases of terrorism.” To undertake the point, the government lifted moratorium on death penalty of all the condemned prisoners (Syed, 2015).

Since then, till April, 65 death row prisoners were executed.⁷

Strikingly, only 22 of the hanged men were terrorists, meaning that the majority (43) were awarded penalty for other crimes. Even, of the 22 hanged terrorists, nothing is shared on which groups those terrorists belong to.

Responding to criticism that death penalties might be awarded without

⁶Authors’ interview with General (retd.)TalatMasood.

⁷Based on the April performance report.

due process, the interior ministry wrote:

“The execution of death sentences may be carried out strictly as per the law and only where all legal options and avenues have been exhausted and mercy petitions under Article 45 of the Constitution of Islamic Republic of Pakistan have been rejected by the president” (Syed, 2015).

Besides the normal courts, the military courts too have been awarding death sentences. On April 2nd 2015, according to military’s media arm, the military chief confirmed death sentences to six hardcore terrorists under military courts (ISPR, 2015).⁸ However, two weeks later, the country’s apex court, the Supreme Court of Pakistan, halted execution of death sentences of all the six convicts.

It was in line with the National Action Plan that the parliament passed Pakistan Army (Amendment) Act 2015, which sets in place military-led courts to trial terrorists. The duration of these courts, which the

military supervises, has been fixed for two years.

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Many in the legal community question the rationale of setting up military courts. The Supreme Court Bar Association (SCBA), for instance, challenged the Pakistan Army (Amendment) Act 2015, arguing that its operation and outcome contradict the fundamental rights the Constitution promises (*The News*, 2015). While some question the secrecy surrounding the convictions, others wonder as to why not civil courts can adopt the same secretive procedure the military court follows in convicting terrorists.⁹ Instead of relying on military courts for speedy justice, argued Talat Masood, “the government needs to come up with

⁸Those awarded death sentence are identified as Noor Saeed, Haider Ali, Murad Khan, Inayatullah, Israruddin and

QariZahir while Abbas has been awarded life imprisonment.

⁹Authors’ interview with Gen (retd.) TalatMasood.

legislation to ensure protection of witnesses and judges.”

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The report claims that 34,517 people have been arrested since December and more than 30,314 combing operations have been conducted across the country to arrest terrorists and militants.

What’s more, even the routine actions and arrest made by provincial law enforcement agencies are presented under the performance of the government on NAP.

Imtiaz Gul, however, questions capacity of the state to investigate and prosecute all these people arrested by the security agencies. “It’s virtually impossible to investigate and prosecute such a huge number of people. It is just face saving as the government has been

portraying itself to be tough against the nefarious elements,” he says.

The report remains silent on links of these people with terrorist outfits and when would they all be produced before courts of law.

What’s more, even the routine actions and arrest made by provincial law enforcement agencies are presented under the performance of the government on NAP.

Even though NAP envisions “reforms in criminal court system to strengthen the anti-terrorism institutions including provincial CIDs (criminal investigation departments),” no practical work has been started on this front, so far.

Regulating seminaries, terrorist network and financing

The government has yet to task a specific ministry or department to work on “registration and regulation of the religious seminaries” – one of the key points of NAP. Firstly, the ministry of interior was mandated the responsibility; then, ministry of religious affairs, admitted its minister, was directed to take the

charge.¹⁰ As of now, confusion remains which institute actually looks after this point.

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Earlier, intelligence reported that anti-Pakistan outfits like Tehreek-e-Taliban Pakistan (TTP) have been getting active support in Rawalpindi and Islamabad from religious seminaries, often for lodging and sheltering purposes (Azeem, 2014). The report identified 20 seminaries in Rawalpindi alone actively supporting militants in their operations in the twin cities.

¹⁰Authors' interview with Federal Minister for Religious Affairs and

But the debate on watching madrassas is more than just registering them. Expert Gul likens government's sole effort in registering madrassas to "flogging the wrong horse". "The real issue," he argued, "is the content the seminaries' students are taught.

The possible backlash from religious clerics and madrassa students seem to be holding the government from taking any concrete action against them.¹¹

Gul says the government has neither devised a concrete plan nor allocated funds to take care of the students who may be on the roads, if some seminaries are closed.

The government's progress report, however, fails to elaborate on the suspects, their source of funding and how are they traced.

On dismantling "communication network of terrorists", the government has been focusing, so far, mostly on registration of SIM cards, used in mobile phones for terrorism.

Interfaith Harmony Sardar Muhammad Yousuf.

¹¹Authors' interview with Sardar Yousuf.

According to the government's April report, 42.84 million SIMs have been verified. But that leave more than half SIMs, of the targeted 103 million, unverified. To subscribe the remaining, the government has been pushing ahead the deadline.

The Federal Investigation Agency (FIA) has registered 64 cases of money transfer through *Hawala Hundi*, illegal means of money transfer; arrested 83 people, recovered 101.7 million rupees, and registered nine cases for suspicious transaction. Simultaneously, the State Bank of Pakistan, the country's central bank, has frozen 120 accounts worth of 10.1 billion rupees.

The government's progress report, however, fails to elaborate on the suspects, their source of funding and how are they traced. It is therefore unclear if those who transferred money were really linked to terrorism. The report is also silent on the action taken against the accountholders.

Hate speech, social media and glorification of terrorists

Owing to the fact that hate material contribute in furthering militancy, the NAP vowed to take concrete measures against hate literature,

terrorism promotion, and terrorist glorification. Yet, very little progress has been made on checking hate speeches through different mediums of communication.

Ever since the launch of NAP, interior ministry and NACTA have taken no action against any proscribed organization, citing legal complications and required lengthy process.

One of the reasons why keeping check on hate material proves daunting, is because contributors to such publications reportedly include "influential" figures like former army chief General Aslam Baig, former Director General Inter-Services Intelligence General Hamid Gul, PM's advisor Irfan Siddiqi, and columnist Aurya Maqbool Jan. Likewise, one contributor 'Abu Shams', investigated Pak Institute for Peace Studies (PIPS), is actually Jamaatud Dawa's (JuD) chief Hafiz Muhammad Saeed; another, 'Saadi' is the pseudonym of Jaish-e-Muhammad's chief Maulana Masood Azhar (PIPS, 2013).

The JuD continues to publish seven periodicals including *Tayyibaat*, in Urdu, for women; *Rozatul Atfal* for children; *Zarb-e-Taiba*, in Urdu, for

younger readers; and *Babul Islam* in Sindh. The Al-Amin Trust, formerly known as the banned Al-Rasheed Trust, apparently a charity organisation, spreads its message through daily *Islam* and weekly *Zarb-e-Momin*. Jaish-e-Muhammad, a proscribed group publishes the weekly *Al-Qalam* in Urdu and English. Masood launched *Al-Qalam* and a monthly publication for children, *Musalman Bachay*, in 2003, while continuing a monthly publication for women under the same name (PIPS, 2013).

These groups and their literature provide fuel to extremism and militancy. Islamabad, the federal capital city, has become the best venue for these outfits for expressing their outrage against the government's policies and their critics.

For the government, loudspeaker remains the only source of hate speech.

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¹²Authors' interviews with Interior Ministry's joint secretary Muhammad AsgharChaudhry and Nacta's chief coordinator Hamid Ali Khan.

complications and required lengthy process.¹²

For the government, loudspeaker remains the only source of hate speech. According to the government's performance report, police have arrested a total of 4,068 people, including 3,313 in Punjab, 192 in Sindh, 462 in Khyber Pakhtunkhwa, 3 in Balochistan, and 98 in Islamabad, while 955 cases have been registered across the country for spreading hate speech and material. The law-enforcement agencies also arrested 979 people and sealed 70 shops on the same charges.

The police are directed to raid shops and confiscate the hate material even though they (police) are neither trained nor they have proper education to identify hate material in a shop.¹³ "For police personnel, any book with a rifle, pistol or bomb on its cover comes under hate literature, and this is simply ridiculous," said a former police officer.

As for internet and social media, Pakistan has still to come up with its cyber laws to protect users from any kind of abuse and to curb promotion

¹³Authors' interview with Tariq Pervaiz, a former police officer, head of Nacta and one of the authors of the NAP.

of terrorism online. The government's performance report is silent on the issue. The government announced passage of a bill "Prevention of Electronic Crimes Bill 2015" from the parliament, but it still remains under consideration, despite passage of over 100 days to declaration of the NAP.

A complaint cell regarding hate material and glorification of terrorism on internet and social media has been set up in Pakistan Telecommunication Authority but its performance and functioning remains a mystery for many (MITT, 2015). Different proscribed outfits

have been openly using Facebook, Twitter and many other social media accounts besides running their websites and blogs to reach their followers and general public with their messages.

Numerous social media accounts of terrorists and extremists, their websites, blogs and videos thrive online. So far, the government seems least interested to monitor social media and internet to curb hate speech and promotion of terrorism and extremism.

Print and electronic media often publish the statements of terrorists



out of fears of attacks. On the other hand, Pakistan Electronic Media Regulatory Authority (PEMRA) has not devised any strategy to check the glorification of terrorists on the media.

Counter-terrorism force, protection of minorities and reforms in FATA

NAP also promises establishing a dedicated counter-terror force, to be deployed across the country, besides ending religious extremism and protecting minorities. The government has yet to start practical work on these fronts – neither a new counter-terror force has been set up nor any concrete steps taken to protect minorities.

Numerous stakeholders agreed that permanent peace in FATA is contingent upon cogent reforms in its archaic legal and governance model.¹⁴ “It requires political will, wisdom and vision to reconcile the tribal people and grant them the rights that other Pakistanis are enjoying in other parts of the country,” Rustam Shah Mohmand, an ex-government official, said. But

based on the progress on NAP so far, bringing in administrative and development reforms in Federally Administrated Tribal Areas (FATA) seem a distant dream.

The government’s performance report is also hushed on the repatriation of internally displaced persons.

The report, however, mentions that around 20,024 Afghan refugees have been deported since announcement of the NAP, including 6,323 from KPK, 798 from Balochistan, 1 from Islamabad, 2 from Gilgit-Baltistan, and 1,200 from FATA, whereas 358,288 have been registered. Mohmand says the government should formulate a comprehensive strategy to deal with the Afghan refugees instead of trying to hide its governance failures behind them.

On extremism, proscribed outfits and sectarianism, the government’s report simply says the consultations with the provinces are underway on these issues. Shortly after a controversy stirred on whether Jamaatud Dawa and Haqqani Network are banned or not, the

¹⁴Authors’ interview with Rustam Shah Mohmand, a former diplomat and one of the authors of the NAP.

interior ministry removed the list of outlawed organizations from its website. This raises serious questions on the government's will to implement the NAP.

But based on the progress on NAP so far, bringing in administrative and development reforms in Federally Administrated Tribal Areas (FATA) seem a distant dream.

There are also some abstract points in the NAP too, such as that "ongoing operation in Karachi will be taken to its logical end" and that "Balochistan government to be fully empowered for political reconciliation with completes ownership by all stakeholders." Obviously, the government's performance report prefers to remain silent on these points too, among others.

Conclusion

The government is heavily reliant on the military, which needs active civilian support to justify the actions. The ruling party needs to take ownership of the National Action Plan.

The government's latest performance report on the NAP and interviews with relevant experts and government officials hint at infighting in the ruling bloc, to the detriment of proper implementation of the plan. There is need to bring clarity in mandate of different stakeholders and institutions.

For the first time, all political forces are standing behind the government. It should not lose this opportunity. To curb militancy, the state should play a proactive role instead of being reactive.

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Now that political forces are backing the fight, the state should take on board people nationwide, by strengthening their bond with local police stations. Police, in turn, can help dry up financial resources of terrorist by raising awareness among the people about extremism, violence and extremism (Shigri, 2015).

At the same, the government needs to overcome possible diversions that

have been betraying its focus from implementation of the NAP. The political crises, exemplified in the tussle between Pakistan Tehreek-e-Insaf and the ruling party, continues to divide the government's focus on the NAP. Likewise, media remains too much focused on the Karachi operation and Yemen crisis.

The state should take the militant fight to its logical end. The

government also needs to chase all militants without any discrimination, along with allocating sufficient resources for activation of NACTA. Revamping the criminal justice system to ensure speedy justice is all the more important, not least because the military courts will expire after two years. For long-term peace, the government should review the curriculum taught in seminaries as well as in public schools.