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## *Chapter 4*

### *THE POLITICAL CAMPAIGN ENVIRONMENT*

This chapter reviews the political environment in which the October 1990 elections were held. It introduces the major contestants, and describes their respective campaigns and the overall pre-election political setting. Several controversial issues that emerged during the pre-election period are discussed: the dismissal of the government, the role of the president, the perquisites of incumbency, the use of accountability tribunals, the behavior of the media, the effects of violence and intimidation, and the conduct of the CEC and its review of pre-election complaints. In evaluating these matters, the delegation relied on the findings of the pre-election mission, the analysis of the functional teams and post-election investigations.

#### **A. Background**

The 1990 elections took place amid considerable political unrest. The pre-election environment tarnished the electoral process by generating extraordinary uncertainties and polarization. A highly charged debate continued throughout the campaign period regarding the president's dismissal of Benazir Bhutto's government.

The PPP challenged the legality of the dismissal, and the atmosphere was tense with many citizens, particularly supporters of the PPP, convinced that elections would be postponed indefinitely. Party leaders also expressed fears that the accountability tribunals would disqualify Benazir Bhutto from running in the elections, and questioned whether the results of the elections would be respected by

the contesting parties and by the politically influential generals of Pakistan's army. Some people wondered why, if Bhutto won the election, the recently ousted prime minister would be permitted to return so soon to power. IJI supporters, however, maintained confidence that the polls would be held and that they would be able to defeat Bhutto.

The political situation in Sind was tense with all contesting parties expressing concerns about the potential for election-related violence. In Punjab, where the majority of seats were contested, IJI supporters appeared confident that Nawaz Sharif's long tenure as the province's chief minister, the expansion of a newly emerging middle class constituency in cities such as Faisalabad, and a reportedly popular perception that the PPP was becoming a Sindhi-oriented party would serve IJI candidates well in the forthcoming electoral contest.

In September 1990, at the time of the pre-election mission, there was a widespread perception among politicians, journalists, academics and others in Pakistan that the army leadership would play a role in determining the composition of any future civilian government. In this respect, it was suggested that the pre-election situation in 1990 differed from that of 1988, when the army lost many of its leaders in the airplane crash that killed Zia ul-Haq, and the remaining generals thereafter ensured the transition to civilian rule through an electoral process. Many Pakistanis felt that the army had found little to recommend in a Bhutto-led civilian government during the previous 20 months and speculated about the military's role in the country's political future. The PDA campaign, however, avoided criticism of the army and focused its attacks on the president instead, accusing him of partisanship.

In the end, Benazir Bhutto and the PDA were allowed to contest the elections, the elections were held as scheduled, and the PDA participated in the democratic process, albeit with serious reservations. What effect the perception among some people that Bhutto might not be permitted to return to power had on their voting behavior could not be ascertained by the delegation.

## B. The Contestants

Two major political alliances contested the 1990 elections, the Islamic Democratic Alliance (known by its Urdu initials, IJI) and the Peoples Democratic Alliance. The former was created on the eve of the 1988 elections, while the latter was patched together quickly in 1990 for the purpose of reducing the perceived isolation of its principal member, the PPP.

The largest component party of the IJI is the Pakistan Muslim League. It also includes small but important religious parties such as the Jamaat-e-Islami, and Acting Prime Minister Jatoi's small National Peoples Party (NPP). Before the elections, the IJI had many leaders, including Jatoi, former Prime Minister Junejo, former Punjab Chief Minister Nawaz Sharif and Ejaz ul-Haq, the son of the late President Zia ul-Haq.

In the pre-election period, the IJI surmounted ideological barriers and internecine quarrels, which were unresolved in 1988, to forge critical electoral coalitions with important regional parties. In the North West Frontier Province, the IJI joined with the Awami National Party (ANP), a left-of-center Pakhtun nationalist party. In Sind, the IJI negotiated an electoral arrangement with the MQM as well as with some Sindhi nationalist groups that opposed the PPP in the rural areas.

The PPP lost many of its political allies between 1988 and 1990. As mentioned above, significant provincial parties such as the MQM and the ANP, abandoned Bhutto, after bitter political disputes. Thus, by August 1990, the PPP stood alone. In an attempt to reverse this isolation, the PPP formed the Peoples Democratic Alliance (PDA), consisting of itself and a few minor parties, which won no seats in the 1988 elections. The Shias' political party, the Tehrik-e-Nifaz-e-Fiqh Jafaria (TNFJ) and Air Marshal (ret.) Asghar Khan's Tehrik-e-Istiqlal (he was formerly a foe of the Bhuttos) joined the PDA. The alliance had one undisputed leader, Benazir Bhutto. The PDA agreed to be represented by the arrow, the 1988 electoral symbol of the PPP.

Initially, 2,442 nominations were filed by candidates for National Assembly races. Under Pakistan's law, candidates can be nominated

for as many as five seats, and many party leaders took advantage of this provision to contest elections in several constituencies. After appeals had been heard against some candidates and other candidates withdrew, a total of 1,347 National Assembly candidates remained to contest 217 Muslim and non-Muslim seats. Nationwide, the IJI designated 152 candidates, while the PDA designated 182. There were 636 independent candidates, with the remaining 377 designated by third parties.

### C. Campaign Issues

Few substantive political, economic or social issues were debated during the campaign. Even the issuance of manifestos by the competing parties was a *pro forma* affair. The campaign was quickly reduced to a single issue: whether the people supported or opposed the Bhutto family.

The IJI attacked Benazir Bhutto's record in office and emphasized the corruption of her ministers and of her husband, Asif Zardari. Members of the IJI criticized not only Bhutto's abilities, but also her right, as a woman, to rule a Muslim state. The PDA appeared disorganized and portrayed itself as a victim of the "establishment." It felt harassed by the charges lodged against PDA leaders in the accountability tribunals.

The most contentious element of the election campaign, and perhaps the most successful from an IJI perspective, was the IJI's strategy of tying Benazir and Nusrat Bhutto to the United States and to the so-called "Indo-Zionist lobby" in the U.S. The lobby was portrayed as having close ties to India and Israel, and opposing Pakistan's development of a nuclear capability. In particular, the Bhuttos were accused of "selling-out" Pakistan's nuclear program. (See Appendix XII.)

U.S.-Pakistan relations reached their lowest point during the 1990 campaign period. Since the 1980 Soviet invasion of Afghanistan, the United States has been Pakistan's principal ally and largest donor of economic and military aid. When the Soviets withdrew from Afghanistan, however, the United States' immediate geopolitical concerns were reduced.

In October 1990, when Western experts concluded that Pakistan had developed the capability to build nuclear weapons, President Bush was no longer able to certify that Pakistan "does not possess a nuclear explosive device," nor that U.S. aid "will reduce significantly the risk" that Pakistan will possess one. Consequently, Pakistan lost its American military aid. Further irritating U.S. relations with the caretaker government, composed primarily of IJI leaders, the U.S. Congress in October 1990 passed an amendment linking future U.S. aid to the conduct of "free and fair" elections. (See Appendix XIII.)

The IJI ran a nationalistic campaign, and repeatedly accused Bhutto of being unpatriotic. The former prime minister was called the conduit for American influence into Pakistan, and her efforts to influence Congress on her own behalf were criticized. Articles were also published in the government-controlled papers alleging her links to India and other reportedly anti-Pakistani groups. One of these articles was based on what was evidently a forged letter from Bhutto to a staff member of the U.S. Senate Committee on Foreign Relations. (See Appendix XIV.)

Meanwhile, the PDA attacked the IJI over its support for the president's decision to dismiss the government. The PDA also ran advertisements that blamed the IJI for higher fuel and food prices: prices that the government may have been forced to raise due to the situation in the Gulf and the allegedly unrealistic pricing policies of Bhutto's government. In advertisements, the PDA also asserted its federal, populist and nationalist credentials, while accusing other groups of being unpatriotic. (See Appendix XV.)

Despite all the fears engendered by the polarized environment, both alliances were able to stage large campaign rallies and processions, freely addressing their respective supporters at such gatherings. Both alliances also extensively used music and song to communicate their messages to the voters.

Posters were a prominent feature of the campaign. On election eve, the city of Lahore, for example, was ablaze with vivid posters. Among the more remarkable were a gigantic image of Nawaz Sharif in battle gear and another of Benazir Bhutto's young son, Bilawal.

Delegation members attended rallies in Rawalpindi and Lahore during the last nights of the campaign. The PDA rallies appeared larger than the IJI's, while the latter's rallies appeared better organized. Supporters of the constituent parties freely displayed their individual emblems as well as the alliance colors. The PDA rally had a festive atmosphere with songs blaring and crowds of people milling about. Women were more noticeable at the PDA rally, although a small group of women, set off to one side, also attended the IJI rally.

Throughout the pre-election period, the PDA accused the caretaker governments of abusing the perquisites of incumbency and the president of abusing the powers of his office. These abuses, the PDA argued, were so serious that they undermined the credibility of the elections. The two most notable accusations concerned the selective use of the accountability tribunals and the manipulation of state-owned television and radio. (See sections E and F below.)

#### **D. Role of Caretaker Governments**

The PDA charges concerning the caretaker government had two premises: that the dismissals of the PPP governments were illegal, and that partisan politicians had been appointed to act as caretakers. These new leaders allegedly abused power in order to achieve partisan goals. The following sub-sections review the government's actions with particular respect to how they affected the electoral process.

##### *1. Dismissal of the governments*

President Ghulam Ishaq Khan, in his August 6 address dismissing the government, stated that he was exercising "the powers conferred on me by clause (2)(b) of Article 58 of the Constitution." He stated that he had based his decision on a variety of factors including, in his words, "political horse-trading, . . . violations of the Constitution in respect of Center-Province relations, encroachment on provincial autonomy, [the] role and status of the Senate, respect for the higher judiciary, use of official machinery and resources . . . large-scale plunder of national wealth, the scandalous incidence of corruption, and the sad law and order situation in Sind." These factors led the

president to conclude that "the Government of the Federation was not being and cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate has become necessary."

Before the election, the PDA argued that the ouster was unconstitutional, and challenged the president's action in the courts. PDA leaders asserted that the president was not constitutionally empowered to dismiss a government for perceived inefficiency, incompetence or other political reasons. In their opinion, only "a complete paralysis of the government" would have created the conditions where the president could exercise his constitutional authority to dismiss the government.

PDA officials cited the 1988 ruling by the Pakistan Supreme Court, which found that President Zia ul-Haq had improperly removed the government of Prime Minister Mohammed Khan Junejo. In that case, the Court did not order the restoration of the Junejo government since the elections scheduled to be held shortly were deemed in the national interest. PDA leaders also asserted that one of Ghulam Ishaq Khan's professed reasons for ousting Benazir Bhutto, i.e., the corruption of her government, had not been proved.

Members of the caretaker government responded that the president had the constitutional power to dismiss a government. Their position was upheld, in separate decisions, by the Punjab and Sind High Courts. In an October 18 decision, the Sind High Court held that the PPP petition was not properly filed and that, given that arrangements for the election had already been made, restoring the dissolved assemblies was not possible. The Lahore High Court went further, specifically finding that the reasons offered by the president were constitutionally valid.

In response to another PPP petition, the NWFP High Court overturned the dissolution of the NWFP Provincial Assembly, citing a failure to present sufficient evidence to justify this action. The Pakistan Supreme Court, however, stayed the decision of the NWFP court and the elections were held as scheduled.

## 2. *Role of the president*

On October 23, the night before the election, President Ghulam Ishaq Khan delivered a speech on national television. The president justified his dismissal of the government once more and emphasized the support of Pakistan's High Courts for his decision. He also criticized unspecified elements for spreading rumors that the elections would not occur, creating an atmosphere of political uncertainty, and for raising the specter of martial law. He urged Pakistanis to vote for politicians with strong Islamic and patriotic credentials, for a government "that depends on...divine help rather than looking all the time with outstretched hands to foreign assistance."

The president's decision to deliver a speech on election eve, a night when all campaign-related activity was to have ceased, was not unusual; such speeches, urging the electorate to vote and to accept the election results, are common features in many countries. In this context, however, the President's partisan tone concerning the dismissal of the government was troubling.

## 3. *The use of the perquisites of incumbency*

In the pre-election period, serious concerns were raised by PDA leaders about the partisanship of Prime Minister Jatoi and the provincial caretaker governments. PDA representatives suggested that members of the higher judiciary or the speaker of the Assembly, rather than political opponents of the PDA, should have been invited to lead the caretaker government. Because the caretaker governments were unelected, the PDA leadership argued, it was inappropriate for them to assume the advantages of incumbency.

Officials of the caretaker governments questioned whether anyone could be perceived as neutral in Pakistan. Judge us, they said, by our actions. PDA leaders, however, were highly critical of some of these actions.

The PDA alleged that the caretaker governments used development funds to promote IJI candidates and transferred judges and civil servants for political purposes. For example, the PDA charged that the Punjab provincial government illegally provided development funds to IJI candidates. A senior PDA leader in Punjab maintained



that government resources were being used by the caretakers to influence voters, and that all projects launched by the previous PPP government had been halted.

The PDA also charged that the government appropriated funds without fulfilling the necessary authorization procedures. These funds, the PDA argued, supported IJI candidates' campaigns through funding irrigation, electrification and road building projects in critical constituencies. Documentation in support of these allegations included canceled checks drawn on a "Member National Assembly (MNA)/Member Provincial Assembly (MPA)" account, newspaper articles describing massive spending programs by the provisional government, and posters and newspaper advertisements that announced the bidding procedures for these new projects.

IJI supporters stated that their development activities were no different than former Prime Minister Bhutto's People's Works Program, which was reportedly highly politicized. Still, a distinction could be drawn between the activities of a regularly elected government and those of a caretaker government during a campaign period. In the latter context, the use of development funds can have a significant impact on an election – especially if the funds were allocated directly through candidates for office instead of through the normal funding mechanisms. An effort could be made to distinguish between projects needing immediate attention and those that could be postponed until after the elections.

It is difficult to ascertain what effect these practices had on the outcome in any given constituency. However, in some constituencies – for example in NA 94 in Lahore – the outcome was so close and the reported level of development spending so high that it conceivably tilted the balance in favor of the IJI candidate.

In Sind, the problems were said to revolve around the allocation of government jobs to potential IJI supporters. A *Herald* magazine reporter, for example, claimed that he witnessed an IJI representative distributing hundreds of pre-approved job applications to potential IJI supporters.

### E. The Accountability Tribunal Process

On August 23, two weeks after the dismissal of the Bhutto government, President Ishaq Khan established special courts — termed accountability tribunals — to investigate charges of corruption, and, where appropriate, to initiate prosecutions against the former prime minister and other members of her government. The caretaker government and the government-controlled media disseminated the view that corruption had become pervasive during the Bhutto government. Bhutto denied all charges against her family and government and, in turn, accused members of the caretaker government of indulging in corrupt acts. Consequently, the issue of official corruption, and the process of "accountability," attracted considerable attention in the pre-election period.

#### *1. The accountability process in historical perspective*

Allegations of official corruption have been an integral part of Pakistan's political landscape, corruption does not appear to have been confined to any one party, and accusations of official misconduct have often preceded changes in regimes. In 1958, for instance, General Ayub Khan cited corruption as a reason for imposing martial law. In 1988, President Zia ul-Haq cited corruption as the basis for dismissing the government of Prime Minister Junejo. And, as noted earlier, on August 6, 1990, when President Ishaq Khan dissolved the National and provincial assemblies, he once again cited corruption as an important justification for dismissing the government.

Special tribunals to hear cases of official corruption are also not a recent development in Pakistan. They reflect a legalistic approach to dealing with a serious and persistent problem in Pakistani politics.

In January 1949, the Constituent Assembly authorized the use of special courts under the Public and Representative Officers (Disqualification) Act (PRODA). The law permitted the governor general to refer cases of official misconduct to tribunals consisting of judges selected from existing courts.

If the courts reached a guilty verdict, the governor general could disqualify a person found guilty from seeking or holding elective office for 10 years. Several officials were found guilty and disqualified under

PRODA. The law lapsed before the enactment of Pakistan's Constitution in 1956.

In August 1959, the martial law regime of Ayub Khan promulgated the Elective Bodies (Disqualification) Order (EBDO). Under PRODA, the courts interpreted the term "misconduct" to mean bribery, willful maladministration and nepotism. EBDO expanded "misconduct" to include individuals who had a persistent reputation for being corrupt and for contributing to political instability.

EBDO rules provided for three-member tribunals, headed by someone with judicial experience. The other two members were selected from the civilian and military bureaucracies. The government frequently used EBDO in the years following its passage, although several politicians returned to public life after their disqualification period ended.

In 1977, the government of Prime Minister Zulfikar Ali Bhutto resurrected the accountability process by enacting two laws: the Holders of Representative Office (Prevention of Misconduct) Act and the Parliament and Provincial Assemblies (Disqualification for Membership) Act. The Misconduct Act imposed a penalty of seven years imprisonment for persons found guilty of misconduct, while the Disqualification Act required that guilty officials retire from public life until the next general election.

Under both laws, cases could be referred to special courts only by the prime minister (or in cases involving provincial officials, by the provincial chief minister). The prime minister could not be prosecuted under either law. No appeal from the decision of the special courts was permitted.

Bhutto's government was overthrown before the new laws were used. In November 1977, General Zia ul-Haq's martial law regime promulgated two separate orders relating to the accountability process. The first order authorized a criminal penalty of seven years imprisonment (as well as a fine and disqualification from office) for those found guilty. Tribunals established under this order apply the rules of evidence used in Pakistan's criminal courts. The second order

authorized the establishment of special courts that could hear charges against the president, prime minister and other high-ranking officials; it provided for disqualification from public office for seven years. The rules of the civil courts apply in tribunals established under this order.

Under both orders, only the president may refer cases against the prime minister and other federal officials to the tribunals. Tribunals consist of one judge, who is also a member of a High Court. Members of the tribunals are appointed by the president, who is also the appointing authority for judges of the High Courts. Both orders provide for appeals to the Supreme Court.

## *2. The 1990 Accountability Tribunals*

President Ishaq Khan told NDI representatives that he wanted to make accountability a permanent, institutionalized process in Pakistan. He assigned an official with the rank of minister to oversee the accountability proceedings and ordered the establishment of five special courts under the order dealing with misconduct and six special courts under the order covering disqualifications. While the president did not refer any cases to the misconduct tribunals, as of the election date the disqualification tribunals had received 16 references filed against 10 people, all of whom were PPP members. Seven references were filed against former Prime Minister Benazir Bhutto and one each against nine others, including Bhutto's father-in-law and four former federal ministers. The cases all involved misconduct occurring since 1988, when Bhutto assumed office. The charges against Bhutto were based on a 1977 order adopted by Zia ul-Haq.

The order under which the references were filed defines "misconduct" broadly to include:

[b]ribery, corruption, jobbery, favoritism, nepotism, willful maladministration or diversion of public monies . . . and other abuse of whatever kind of power or position, any attempt at, or abetment of, such misconduct.

The references did not allege that Bhutto and her colleagues personally benefitted from wrongful acts. Rather, the charges involved the alleged misuse of government power to benefit friends,

relatives and PPP supporters. Often, they alleged only maladministration.

The references filed against Bhutto, for example, include the charge that she authorized the sale of real estate on which a luxury hotel and golf course were to be built at far less than the land's market value. The purported plan involved a later sale to a London-based company in which a Bhutto relative was said to have a financial interest. Other references alleged that the former prime minister authorized the sale of cotton below the established export price and that she awarded a contract to a consultant who did not submit the lowest bid.

Although it was anticipated that the tribunals would issue judgments before the October elections, they did not do so. By mid-November 1990, no cases had been concluded.

### *3. Effect of the tribunals on the campaign*

The caretaker government argued that the accountability process is a legal proceeding, not a political one. Its representatives stated that the careful, deliberative procedures of the tribunals included numerous safeguards, and that rapid disqualification of candidates was unlikely. President Ishaq Khan defended the tribunals, maintaining that an accountability process was needed to ensure the integrity of public officials. Special courts were required for this task, government officials argued, because ordinary courts were over-burdened and too slow in their deliberations. Moreover, ordinary courts did not have the authority to disqualify candidates from seeking office.

The PDA insisted that the formation and selective use of these tribunals were inherently unfair, and that it was particularly inequitable for the investigations and trials to proceed during an election campaign. Bhutto stated that she did not recognize the tribunals' jurisdiction, describing them as "kangaroo courts" and the entire process as a "witch hunt." She did, however, agree to appear before them – although under protest.

PPP leaders viewed the tribunals as part of a strategy to prevent them from contesting the October elections or, if they won, from forming a government since the accountability process was intended

Islamabad, but PTV affiliates in Karachi, Lahore and Quetta also provide programming for their respective local audiences. Editorial policy is determined in the federal capital. Benazir Bhutto's government initiated a second channel called the Peoples Television Network (PTN), which is broadcast from Islamabad and carries, among other programming, the U.S.-based Cable News Network.

Traditionally, the state-owned PTV network provides extensive and uncritical coverage of the government. During the 1990 campaign, as during the tenure of the previous government and prior to the 1988 elections, PTV provided little access to opposition politicians. Television and radio consistently featured stories about the caretaker government's activities and the campaign events of the IJI.

During the campaign period, the government-controlled mediums gave heavy coverage to official government activities. The extensive coverage of IJI campaign events also contrasted sharply with the extremely limited coverage state-owned radio and television gave to PDA events. Yet three days before the election, the Lahore High Court rejected a complaint filed by the PDA regarding biased PTV election coverage.

PTV made several innovations for this election that may have improved the electoral process, although they did not compensate for the imbalanced news coverage. PTV aired public service announcements urging people to vote, and broadcast panel interviews with the leading candidates for national office. This second innovation became mired in controversy, however, when Bhutto declined her invitation to appear on the program. PTV officials rejected her demand that the interview be telecast live and that she have a role in choosing the interviewers. Bhutto emissaries claimed that a live interview was necessary to insure that PTV did not edit the broadcast or appoint a hostile interview panel. PTV explained that it could not accept conditions for one candidate that it had not granted to other candidates.

Some PDA supporters charged that PTV abandoned its practice of announcing elections results as they became available and instead waited until the results for an entire constituency were available before releasing any information about the constituency. These

individuals also charged that for the first time PTV did not announce the votes received by the third-place finishers. Both of these actions, the PDA argued, were part of an effort by the caretaker government to manipulate the results after the polls had closed. PTV had changed its policies concerning third place finishers, but its reporting of final total results by constituency was consistent with its 1988 programming.

A limited review of transcripts from Pakistan radio indicates that it generally provided more balanced coverage of the election campaign than PTV. On election day, Pakistan radio carried more than 130 live news reports, and on election night it provided accurate coverage of the results.

## 2. *Print media*

Numerous English and Urdu newspapers compete for a limited pool of readers. The largest Urdu papers, *Nawa-i-Waqt* and *Jang*, have circulations of more than 500,000. These figures dwarf those for the largest and most influential English newspapers – *Dawn*, *Muslim*, *Nation*, *Frontier Post*, and *Pakistan Times* – none of which have a circulation of more than 60,000 – and magazines – *Newsline*, and *Herald* – which have circulations of less than 10,000. The print media covers almost the entire spectrum of mainstream political debate – a state of affairs absent during President Zia ul-Haq's years.

In fact, one of the Bhutto government's principal contributions to democratization in Pakistan was its loosening of official restrictions on the print media. During the PPP government's 20-month tenure, print journalists exhibited remarkable freedom in expressing opinions and publishing news. Indeed, it is ironic that the press played a significant role in undermining the Bhutto government's reputation by publishing frequent and detailed stories about the alleged corruption of her ministers and husband.

The newspapers gave extensive coverage to the campaign activities of both major parties. Several factors, however, limited the effectiveness of the print media as a source of objective news. Newspapers are extremely vulnerable to government pressure due to their reliance on government advertising (for many papers the

government supplies nearly 70 percent of all advertising while it also controls the newsprint monopoly.)

Financial constraints also prevent newspapers from adopting many of the standards associated with professional journalism. In general, journalists are poorly paid and often publish unsubstantiated articles. Given Pakistan's politically polarized atmosphere, many journalists find it difficult to write independently. Newspapers rely heavily on press releases issued by the government and political parties. These releases are often printed verbatim. They also depend upon the state-owned Pakistan Associated Press for much of their information.

Even more worrisome is the fact that during the past two years, political parties have tried to intimidate the press in order to receive more positive coverage. Almost all the major daily newspapers have been subjected to threats, intimidation, disruption of distribution, and attacks. The police have often failed to protect the newspapers from these attacks and leading political figures have rarely condemned the abusive actions of their more radical supporters.

In 1990, most of these attacks occurred in Karachi and Lahore. They generally followed negative stories about particular political leaders or parties, or what the political parties considered to be insufficient coverage of their activities. Supporters of MQM, Muslim League and PPP each attacked the *Jang* offices in Lahore and Karachi. The editors of the *Jang* acknowledged that these attacks led them to alter their editorial policies and coverage.

In Karachi, *Newsline* and *Herald* came under frequent attack by the MQM. The MQM occupied the *Herald* offices, disrupted the distribution of both magazines and, in October 1990, threatened the safety of the editors of both publications. Although both magazines continue to publish, they are deeply concerned about the consequences of the MQM's actions.

### **G. Pre-Election Violence and Intimidation**

The 1990 campaign period in Pakistan was marred by incidents of violence and harassment. The most serious incidents involved



random acts of violence, partisan clashes and the kidnapping of supporters from opposing political camps.

The situation in Sind was especially tense, raising concerns about heightened, inter-party, election-related violence. In 1990, Sind witnessed an escalation of murders, kidnappings and robberies (in which associates of all major political parties were reportedly implicated). The kidnapping of political figures and their families was so prevalent in some regions that many schools were forced to close for lack of security. More than 60 people – including schoolchildren, bankers, businessmen, politicians, and professionals – were kidnapped between August and mid-October. IJI, MQM and PDA leaders accused one another of complicity in these crimes.

PDA leaders alleged the harassment, arrest and torture of their workers and associates of the Bhutto-Zardari family. They claimed, too, that PDA workers were being tortured in order to obtain false statements about corruption. It was alleged that the homes of PDA workers were raided and people were being taken to unknown places without access to counsel.

The MQM was singled out by some of its critics as being responsible for numerous acts of political violence in the major urban centers of Sind. The MQM charged, in turn, that the PDA was responsible for the mass murder of 25 people in Hyderabad and other acts of violence and harassment.

Despite the polarization in Sind, the political parties contesting seats in the province agreed to a 17-point code of conduct one week before the elections. The code asked all parties to direct their supporters not to obstruct or disrupt the campaign activities of their opponents and to limit criticism only to matters relating to public activities.

The fact that some candidates – who were fearful of their personal safety – went into hiding at the height of the campaign, reflects the seriousness of the problems. Precautions taken by candidates did not always prevent fatalities. On October 23, the IJI candidate in NA 91, Mohammed Idrees Taj, was killed following an

ambush of his motorcade. His death forced the cancellation of the election in this constituency.

#### **H. Role of the Election Commission in Reviewing Complaints**

The 1976 Representation of People Act grants the CEC authority to "issue such instructions and exercise such powers, and make such consequential orders, as may in its opinion, be necessary for ensuring that an election is conducted honestly, justly and fairly, and in accordance with the provisions of this Act and the rules." The CEC used this authority and other specifically granted powers when it considered complaints filed by parties, candidates and individuals both before and after the elections.

The principal contesting parties filed numerous protests with the CEC during the campaign period, highlighting various problem areas and urging that action be taken in response to the complaints. The PDA, however, filed the majority of these complaints. In addition, the PDA criticized the CEC for failing to address adequately their complaints.

The PDA filed specific complaints concerning PTV's coverage of the election campaign, the movement of polling stations from their 1988 locations, the arrests of party workers, the appointment of government officials instead of judges as election officials, the improper use of development funds and the failure of civil authorities to issue identification cards. Many of these complaints were presented to the CEC in the two weeks prior to the elections.

In its finding, the PDA cited specific telecasts that offered substantial news coverage of IJI campaign events and very little coverage of PDA rallies, named certain election officials who came from the ranks of the civil administration instead of the judiciary, and brought to the CEC's attention individual PDA workers who the civil authorities had jailed. There were also other, more general, complaints.

The CEC investigated some of the specific allegations, but did not respond to many of the general complaints about the process and claimed not to have jurisdiction with respect to some complaints. In addition, the Commission relied on other branches of government to

investigate certain election complaints. Given the structure of the civil service and its theoretically non-political nature, this reliance was not surprising. In practice, though, this procedure meant that the Commission often asked the very branch of government against which a complaint had been filed to investigate the circumstances surrounding it.

The Commission's handling of the PDA complaint against PTV is illustrative of the problem. Upon receipt of the complaint, the CEC requested the minister of information, who is responsible for supervising PTV, to provide data on PTV's policies. In the end, the Commission decided not to issue directives ordering PTV to change its policies. And, as noted above, the Lahore High Court rejected the PDA's challenge of the Commission's failure to act.

The PDA also charged that lower-level election officials, including some returning officers, failed to prevent, or actually participated in, election-related irregularities. These officials, the PDA argued, allowed the misuse of development funds, permitted the false arrest or detention of PDA supporters, and failed to fulfill their election day responsibilities of preventing or at least reporting violence.

The PDA argued that the CEC had constitutional power to take action in many cases where the Commission claimed not to have jurisdiction. The wording of the provisions concerning the Commission's authority is certainly open to interpretation. It is clear, however, that the PDA could have provided greater detail concerning many of its allegations and that the Commission could have exercised greater initiative in investigating some of the complaints.

The PDA's perception that the CEC was either uninterested or incapable of adequately responding to complaints contributed to PDA distrust of the overall election process. To its credit, the PDA continued to file complaints with the CEC and did not boycott the elections.