



House of the Federation

SENATE OF PAKISTAN

REPORT NO. 11

REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS

ON

Point of Public Importance regarding "target killings of social worker and media person in Malakand"

Presented by:

**SENATOR WALID IQBAL
CHAIRMAN**

STANDING COMMITTEE ON HUMAN RIGHTS

SENATE SECRETARIAT

Subject: REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS.

I, Chairman of the Standing Committee on Human Rights, have the honour to present this report on a Point of Public Importance regarding "target killings of social worker and media person in Malakanad" raised by Senators Fida Muhammad and Mushtaq Ahmed in the Senate Sitting held on 10th November, 2021. The Point of Public Importance was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee is as follows:-

1.	Senator Walid Iqbal	Chairman
2.	Senator Mushahid Hussain Sayed	Member
3.	Senator Muhammad Tahir Bizinjo	Member
4.	Senator Gurdeep Singh	Member
5.	Senator Mustafa Nawaz Khokhar	Member
6.	Senator Seemee Ezdi	Member
7.	Senator Abida Muhammad Azeem	Member
8.	Senator Falak Naz	Member
9.	Senator Qurat ul Ain Marri	Member
10.	Senator Kamran Michael	Member
11.	Senator Prof. Dr. Mehr Taj Roghani	Member
12.	Senator Syed Faisal Ali Subzwari	Member
13.	Minister for Human Rights	Ex-officio Member

3. The Committee considered the matter in its meetings held on 3rd January and 13th January, 2022, respectively, under the Chairmanship of Senator Walid Iqbal. Final consideration of the matter was held in the meeting held on 13th January, 2022, which was attended by the following Honorable Senators:-

1.	Senator Walid Iqbal	Chairman
2.	Senator Gurdeep Singh	Member
3.	Senator Seemee Ezdi	Member
4.	Senator Falak Naz	Member
5.	Senator Prof. Dr. Mehr Taj Roghani	Member
6.	Senator Fida Muhammad	Mover
7.	Senator Mushtaq Ahmed	Mover

4. In the meeting dated 3rd January, 2022, the Committee was briefed by Senators Fida Muhammad and Mushtaq Ahmed, Movers, regarding the details of the matter. The Hon'ble Senator informed that the real culprit behind the murder is still at large. He also made reference

to an agreement entered into between the negotiating delegation of the Khyber Pakhtunkhwa Government with the family of the deceased and *Mushran* (elders) of the area. At this point, the Additional Secretary, Home Department, Government of Khyber Pakhtunkhwa and Additional IG, Khyber Pakhtunwa informed the Committee that the Malakad Division is still under the control of the Commissioner and police has no role in maintaining law and order. Therefore, the Committee decided to invite Commissioner and Deputy Commissioner, Malakand, and Secretary, Home and Tribal Affairs Department in the next meeting to seek an update in the matter and implementation status of the agreement.

5. In the meeting dated 13th January, 2022, Syed Zaheer ul Islam, Commissioner, Malakand, briefed the Committee in detail about the progress in the matter. He shared that on 08-11-2021 at 20:20 hours, an incident of firing took place near College Colony in Sakhakot area in which two (02) motorcyclists approached a man named Muhammad Zada s/o Khan Zada resident of Sakhakot, Tehsil Dargai, District Malakand and opened fire at him resulting in his death. The Levies immediately reached the spot, called an ambulance and cordoned-off the area to search for the culprits. An FIR was registered under section 302 of Pakistan Penal Code (PPC) against two (02) unidentified men to proceed further in the instant case. Subsequently, a Joint Investigation Team has also been constituted under the supervision of the Assistant Commissioner Dargai, and comprising of expert investigation to further probe into the matter. While continuing to work on different angles, it was found out that the incident was the work of drug mafia, Zubair Anmed son of Habib-urRehman resident of Mursha Khel, Sakhakot was arrested with a Kalashnikov. While confessing to the crime during his arrest, he described the recovered Kalashnikov as an instrument of murder in this case and co-accused Dawood Khan s/o Yousaf Khan r/o Khali Rokhan Sakhakot was also arrested. During the interrogation, both the accused confessed to the crime and Nisar s/o Muhammad Shah, resident of Palawtal Sakhakot and Rasheed s/o Amir Zaman r/o Sakhakot, have been identified as facilitators. After interrogation the accused confessed to the murder of Mohammad Zada, and were produced before the Anti-terrorism Court. Both the accused confessed their guilt before the Court. The concerned Magistrate recorded the statements of both the accused under section 364 CrPc. Later on 25th November, 2021, the third accused Rasheed Mohammad s/o Amir Zaman r/o Sakhakot was arrested and four days police custody was obtained from the Court. All the three accused were presented before the media, videos of which are available on various social media pages. The Malakand Levies are carrying out successive raids for the arrest of accused Nisar Ali s/o Muhammad Shah r/o Sakahkot, who will soon be brought to justice. Moreover, the identity card of the non-arrested accused Nisar has been blocked, while Home & TA's Department, Khyber Pakhtunkhwa, Peshawar has been requested to place the name of Nisar s/o Muhammad Shah r/o Sakhakot on ECL,

6. The District Administration Malakand also accelerated operation against the drugs dealers in District Malakand, as a result of which, huge quantity of charas, heroin and opium were recovered from the possession of drug dealers. The arrested drug dealers were booked under the relevant sections of law.

7. Syed Zaheer ul Islam, Commissioner Malakand, also shared with the Committee that Mr. Muhammad Zada was personally in contact with him as he was an activist working to

curb the menace of drug trafficking in collaboration with the administration. He was courageous, brave and acted as our eyes and ears against the drug traffickers; his murder was a huge loss not only for the cause but also for us. His services towards peaceful and drugs free area will be long remembered. To commemorate his bravery, Anti-Narcotics Squad of Levy Personnel has been established in the name of Muhammad Zada, which is actively taking action against the drug dealers.

8. The Commissioner and Deputy Commissioner, Malakad, also briefed the Committee about the status of the agreement. He stated that the agreement took place between the the negotiating delegation of Khyber Pakhtunkhwa with the family of deceased and elders of the area in the presence of Mr. Anwar Ul Haq Acting DC Malakand, Mr. Fawad Khattak AC Darga Mr. Muhammad Ali Shah: Ex. MPA. & others. The salient features/status of the agreement are as under:--

1. The negotiators demanded that the DC Malakand be transferred while the AC Dargai be retained. In response to their demands, the Provincial Govt transferred the Deputy Commissioner, Malakand.
2. The negotiators gave a deadline of 03 days for the arrest of accused involved in the killing of Late Muhammad Zada. The District Administration arrested the three main accused, while efforts for arrest of the rest are in hand.
3. The negotiators demanded that Section 7 ATA be included in the FIR. The concerned levy post has already included the said section in the FIR and the case is under trial in Anti-Terrorism Court.
4. The negotiators told that the Fazal Elahi Advisor to CM and Pir Musavir MPA PK-19 would be responsible for the fulfillment of the demands made in the agreement. In this connection, the District Administration has already taken up the matter with the Provincial Government vide this office letter No. 2413/PS/DC/MKD dated 20.11.2021 and No.444/PS/DC/MKD dated 20.12.2021 (On Page-5&6) for fulfillment of the demands.
5. The negotiators demanded that a judicial inquiry be conducted under the chairmanship of a High Court Judge. The provincial government will be asked to initiate a judicial inquiry in the matter.
6. The negotiators demanded compensation for the family of the deceased. In this regard the process has been initiated; the case will be placed before the provincial cabinet through the Chief Secretary.

9. Senators Fida Muhammad and Mustaq Ahmed, movers, appreciated the steps taken by the Malakand administration and levies. The Movers stressed the significance of holding judicial inquiry and payment of compensation to the family of deceased. The Committee was also informed that commitment regard Government job to a family member of the deceased was also part of the agreement, however, no steps have been taken by the Provincial Government in this regard.

10. During the deliberations, the matter of no extension of Police Act to the Malakand Division also came under consideration. The Committee noted with concern that despite the

merger, Malakand district continues to have a status different from rest of the province with Levies instead of the police tasked to maintain law and order. Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa informed that the process of transforming levies force into police has been initiated and same will be implemented after adhering to all procedural requirements. The Committee directed to expedite the matter on priority basis.

11. The Committee unanimously lauded the performance of Commissioner, Malakand and his team in ensuring that culprits are taken to the task and also contributing toward drugs free Pakistan. While acknowledging the bravery and public service by the late Muhammad Zada, the Committee recommended name of the deceased for the posthumous award of *Sitara-i-Shujaat*.

12. In conclusion the Committee has recommended as under:-

- (i) A Judicial Inquiry shall be conducted, as per the agreement.
- (ii) Compensation to the family of deceased shall be granted on priority basis.
- (iii) In acknowledgment of the bravery and public service rendered by the late Muhammad Zada, he be given the posthumous award of *Sitara-i-Shujaat*.
- (iv) The process of transforming Levies Force into police shall be expedited on priority basis.



(RABEEA ANWAR)
J.S/ Secretary Committee



(SENATOR WALID IQBAL)
Chairman Standing Committee on Human Rights