

## Tilburg University

### Victims of terrorism in Pakistan

Waheed, Athar

*Publication date:*  
2018

*Document Version*  
Publisher's PDF, also known as Version of record

[Link to publication in Tilburg University Research Portal](#)

*Citation for published version (APA):*

Waheed, A. (2018). *Victims of terrorism in Pakistan: Review of existing victim services and scope of improvement*. Wolf Publishers.

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# **Victims of Terrorism in Pakistan**

**Review of Existing Victim Services  
and Scope of Improvement**

*Athar Waheed*



# **VICTIMS OF TERRORISM IN PAKISTAN**

*Review of Existing Victim Services and Scope of Improvement*

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# **VICTIMS OF TERRORISM IN PAKISTAN**

*Review of Existing Victim Services and Scope of Improvement*

Proefschrift ter verkrijging van de graad van doctor aan Tilburg University op gezag van de rector magnificus, prof. dr. E.H.L. Aarts, in het openbaar te verdedigen ten overstaan van een door het college voor promoties aangewezen commissie in de Ruth First zaal van de Universiteit op 26 februari 2018 om 16.00 uur door Muhammad Athar Waheed, geboren te Sahiwal, Pakistan

Promotor:

Prof. dr. mr. M.S. Groenhuijsen

Copromotor:

Dr. L.M. van der Knaap

Overige commissieleden:

Dr. S.B.L. Leferink

Prof. dr. mr. R.M. Letschert

Prof. dr. S. Parmentier

Prof. dr. A.C.M. Spapens

**Dedicated to**

Victims of terrorism and their families across the world





### Foreword

Einstein (1879-1955) said “*Only two things are infinite in this world, the universe and human stupidity, and I am not sure about the former*” (Einstein, n.d.). Although, human beings have made a considerable progress in the field of science and technology but we are still living in a dangerous world. It was October 19, 2009 when I received an official notification of my posting as Sub-divisional Police Officer (SDPO) in *kohat* city of *Kyber Pakhtunkhwa* (KPK) province of Pakistan. I reached the town in the evening and received an invitation from District Police Officer (DPO) for dinner at his official residence. On the first morsel of food at dining table, we suddenly heard a big explosion. We rushed to the spot and it was a suicide attack in a mosque. Twenty-four people were killed on the spot. The courtyard of the mosque was full of human blood and body pieces. After few minutes, a police officer told me that the head of suicide attacker was recovered. A lot of people were rushing to the place of incident to find their dear one. Suddenly, a lady was found crying at the crime scene and I could not understand her language. She was speaking *Pushtu*. I was curious to know about her and asked my colleagues to enquire. They told me that she lost her mental balance and saying ‘*Do not go to the mosque*’. After further enquiry, it was revealed that her husband came for prayer and her two sons also accompanied their father. When the baby girl saw her two brothers following the father, she also started chasing them. When they reached the mosque, a blast occurred and all four of them were killed in the incident. I was taken aback with deep remorse. The yell of an innocent lady that lost her husband and three children is still recoiling in my mind. Her screaming was posing a big question mark to me as a police officer and a concerned citizen. Why the whole state and society is helpless in saving its innocent citizens including women and children? Why they are still discounted in our criminal justice system? Why their needs and problems are not being addressed? Why we

always talk about terrorism and do nothing for its victims? It was a defining moment in my life and I decided to work for victims of terrorism in my country.

This doctoral study is the result of the same passion where I made an attempt to explore the challenges faced by the victims of terrorism in Pakistan and to find ways to improve their conditions. After some months of that incident, I got an opportunity to attend a seminar on victimology at United Nations Far East Institute of Crime Prevention and Treatment of Offenders (UNAFEI), Tokyo, Japan where I met with John Dussich. His knowledge and personality inspired me and I took further interest to know about victimology as a discipline. Afterwards, I met with Professor Marc Groenhuijsen on a post-graduate diploma course on victimology and victim assistance at Tokiwa Institute of Victimology (TIVI) in Japan. His talk at the course further inspired me and I decided to start my research work in this field of enquiry. Although, it was a difficult decision in view of my professional and personal circumstances but I decided to proceed further. After approval of my research proposal at International Victimology Institute (INTERVICT) at Law school, Tilburg University, Netherlands, I was lucky to find two passionate scholars in my life that not only guided but also motivated me to accomplish this difficult task. I am thankful to my supervisors, Prof. dr. Marc Groenhuijsen and Associate Professor Leontien M. van der Knaap for their guidance and motivation. I must acknowledge that it was rather impossible for me to accomplish this work without their support. Apart from academic support of my supervisors, my family remained a source of strength for me. My mother prayed for me and I got encouragement from her words. My wife, Amara Athar was always supportive to me at the time of anxiety and frustration to meet the deadlines. Although, she was herself a busy police officer and it remained a challenge for both of us to give proper time to our children. I am thankful to my kids, Izza and Ayan for understanding my absence during my travels to different places

regarding my work and studies. I am also thankful to all those individuals who helped me to conduct interviews of victims in far-flung areas of the country. I am also thankful to instructors and trainees of National Highways and Motorway Police Training College, Pakistan for coordinating some interviews through their local connections. I am also thankful to Mr. Waseem and Zaheer in my office to assist me for compiling the data. During my stay in the United States for one year regarding Hubert Humphrey Fellowship on victim of terrorism, I am thankful to Kristi Rudelius-Palmer, Co-Director of Human Rights Center, Professor Kevin Gerdes at Humphrey School of Public Policy, University of Minnesota, Dr. Akhtar and Mr. Tadese at Statistical Division of California Social Welfare Department for their support in my studies.

I want to acknowledge that this research work is not an end in itself. My efforts to accomplish this task are beyond my academic pursuits. I want to contribute something tangible for the victims of terrorism in practical terms to give a meaning to their lives. It is just a way to achieve the ultimate ambition of providing effective and efficient services to the victims of terrorism in Pakistan. I have established Pakistan Society of Victimology (PSV) as the first national victimological forum in the country to introduce best practices in the field of victimology.



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## ACRONYMS

ACPR:	Aid of Civil Power Regulations
AEAP:	Antiterrorism and Emergency Assistance Program
ATA:	Antiterrorism Act
CMH:	Combined Military Hospital
DOVS:	District office of Victim Services
ECS:	Emergency Command System
FATA:	Federally Administrative Tribal Areas
FCR:	Frontier Crime Regulations
FIR:	First Information Report
GB:	Gilgit Baltistan
GCTF:	Global Counter-terrorism Forum
GTI:	Global Terrorism Index
ICT:	Islamabad Capital Territory
IDMC:	International Displacement Monitoring Center
IDP:	Internally Displaced People
ISAF:	International Security Assistance Alliance
ISI:	Inter Services Intelligence
ITVERP:	International Terrorism Victim Reimbursement Program
JTI:	Joint Investigation Team
KPK:	Khyber Pakhtunkhawa
LEAs:	Law Enforcement Agencies
NISP:	National Internal Security Policy
NOVS:	National Office of Victim Services
NVSB:	National Victim Services Board

OVA:	Office of Victim Assistance
OVC:	Office of Victims of Crime
POVS:	Provincial Office of Victim Services
PPA:	Pakistan Protection Act
PTSD:	Post-traumatic Stress Disorder
PVSB:	Provincial Victim Services Board
RAN:	Radicalization Awareness Network
TERRA:	Terrorism and De-radicalization
UNAMA:	United Nation Mission in Afghanistan
VIS:	Victim Impact Statement
VJO:	Victim Justice Office
VSO:	Victim Support Officer
VTU:	Victims of Terrorism Unit

## **CHAPTER 1**

### **PRIMARY DELINEATIONS ON RESEARCH AND SCOPE OF STUDY**

This is an empirical study of victims' experiences on their needs and existing services provided to the victims of terrorism in Pakistan. It also attempts to review the international practices with an objective to redefine the available system of victim services in the country. Initially, the study is framed in the context of overall patterns of victimization by acts of terrorism at a global level. This is followed by gauging the scenario characteristics of developing countries with a predominant focus on the internal dynamics of Pakistan. It deliberately circumvents a discussion on the political aspects of terrorism by primarily concentrating on the humanitarian consequences of terrorism and the corresponding response given to existing challenges. Some basic theoretical issues posing critical questions for the identification of victims and provision of services have also been addressed. The findings of this research are primarily based on in-depth semi-structured interviews with victims of terrorism and other stakeholders from all regions in Pakistan. Two hundred and thirty victims of terrorism (interviewees) in various categories participated in this research from seven regions of the country. Multidisciplinary, problem solving and normativity are three major characteristics of this study (Young & Quinn, 2002, p.10). The empirical contours of the study have been framed in the subfield of normative victimology (David, 2000). The first-hand accounts of victims (interviewees) have been analyzed within their particular context to understand relevant issues and concerns. The objective is to provide an effective policy framework on victim assistance services for victims of terrorism in Pakistan that aspires to international instruments on victims while keeping in sight the existing resources and cultural realities. At the same time, the work seeks to serve as a foundation for spearheading a scholarly discipline of victimology in the country.

### **Terrorvictimity: Dehumanizing Crisis of Modern World**

The world history has witnessed human death toll on account of various factors. About 56 million people die every year because of different reasons (World Health Organization, 2012). On average 68,000 people are being killed every year in natural disasters (Centre for Research on the Epidemiology of Disaster, 2015). In addition to naturally occurring diseases and calamities, a remarkable source of human suffering through the ages has been the politicization of religious and nationalistic sentiments. The misleading view of both religion and nationalism resulted into a number of wars in human history. The Crusades (1095- 1291) killed 3 million people, the Hundred Years of War (1337-1453) 3 million, First World War 15 million and about 66 million people were killed in Second World War (White, 2014). The worldwide data on war and peace reflects a sharp decline in death toll on account of state based wars since 1946 (Human Security Report Project, 2013). Despite a decline in traditional warfare, terrorism emerged as a new challenge to human security. It is the most dehumanizing phenomenon in view of its deep-rooted impact on human life across the world. Dehumanization is defined as *a process of deprivation of human qualities, personality or spirit* (Webster, 2016). The repeated acts of terrorism with rapid communication of fear across continents, inhuman modes of violence by terrorist groups and unusual patterns of victimization create this dehumanization crisis.

The rationale driving global terrorists networks can be traced to irrational religiosity and adventurous nationalistic aspirations that have produced a cohort of state and non-state actors collectively endangering humanity for ulterior political motives. The national governments have channelized a sizeable amount of energy and resources towards eliminating the roots of terrorism while paying little more than superficial regard to healing its human effects. Countless victims, who represent the real face of the adverse impact of terrorism, are

forgotten entities in many terror- ridden states. Terrorism is deep-rooted particularly in those political cultures that are prone to violence. Victimology in its capacity as a scientific discipline as well as a humanistic movement raises many critical questions about the effectiveness and efficiency of international and national responses to the needs and rights of such victims in terms of information, psychological counseling, protection, privacy, and above all a standardized system of restitution and compensation.

Victimology is an interdisciplinary subject that studies victims, processes, and consequences pertaining to victimization by an act of crime or terrorism. Mendelsohn (1947) coined the word 'victimology' and promoted the concept as *a science of victimity*, the study of victims (Dussich, 2010). The main focus of victimologists around the world remained on victims of crime (crimvicts) rather than victims of terrorism (terrorvicts) owing to the absence of international instruments on victims of terrorism and short history of victimology as an academic discipline. Owing to dearth of scholarly focus on this demanding field of enquiry, terrorvictimity can be proposed as a sub-specialization of the larger victimological toolkit to help identify the key challenges and scientific solutions to human suffering in the context of terrorism. Terrorvictimity can be defined as a scientific study of victimization as direct or indirect consequences of terrorism and the subsequent response of state and non-state actors to rehabilitate the human and material losses. No other manmade disaster has terrified the humanity in such a way as terrorism has done in recent past. Although, the quantitative human losses are less as compared to those incurred in traditional warfare but the qualitative impacts of terrorism have affected all and sundry around the globe. Therefore, it is imperative to lead an investigation into the issues and problems confronted by victims of terrorism and to devise a comprehensive strategy of victim services in order to adequately address this dehumanizing crisis of the modern world.

### **Victims of Terrorism: Global Overview**

The 9/11 terrorist attacks in USA (2001), Bali bombings (2002), Madrid bomb attacks (2004), Beslan School Hostage (2004), July 7 London attacks (2005), Nigerian terrorist attacks (2009), kidnapping of 276 school girls in northern east of Nigeria (2014), the terrorist attack on Army Public School of Pakistan (2015), air port attacks in Turkey (2016), inter *alia* violent terrorist activities around the world incessantly remind us that no place in the world can confidently claim to be a safe abode for its inhabitants. Johnston (2016) has compiled data on deadliest terrorist attacks (each attack with more than 100 casualties) to analyze the frequency of human losses at the hands of terrorists from 1973 to 2016. It gives an empirical ground to the proposition that we are living in an age of *mass terrorism* (Schmid, 2003). Terrorism poses global, regional and domestic threats to human life and prosperity. A sum total 48000 incidents of terrorism occurred from 2000 to 2013 claimed the lives of 107000. An increase of 61% as to the frequency of acts of terrorism has been noticed in just one year from 2012 to 2013 (GTI Report, 2014). Terrorism continue to inflict pain and suffering all over the world in recent years. The global impact of terrorism from 2002 to 2011 reached its peak in 2007 and later on declined but there was a net increase of 460% in the terrorist acts since 2002. Private citizens and property (29%), government installations (17%), police (14%), business (10%), transportation (6%), military (4%) and others (20%) remained the major targets of terrorism worldwide from 2002 to 2011 (GTI Report, 2012). Although, the number of people killed in homicide worldwide is 40 times more as compared to casualties caused by terrorism (GTI Report, 2014) but fear owing to acts of terrorism is far exceeding than any other cause of human deaths. The number of injured persons as a result of terrorism is 51.2% higher than the death toll, 1.64 fatalities and 3.20 injuries per attack were reported in 2012 (US Country Report on Terrorism, 2012). The nature of injury varies from loss of body organs to permanent



disability with the consequence of long lasting human and financial losses for these victims. Victims of terrorism also encounter multiple psychological consequences like post-traumatic disorder syndrome (PTSD), persistent depression, anger, fear, shame, guilt, mistrust, normlessness and ultimately loose hope for life. About two-third of directly affected victims of acts of terrorism face psychological impairments (Beaton & Murphy, 2002). The vulnerable victims like children, women, elderly people and the marginalized segments of the population (say, religious minorities) face a far greater likelihood of sustaining severe psychological repercussions that may transcends across generations ultimately creating psychological morbidity and *historical trauma* (Maria, 2014). American Psychological Association found that 75000 school children of grade 4 to 12 suffered PTSD even after six months of September 11 terrorist attacks (APA, 2014). In addition to psychological consequences, victims of terrorism fall prey to demographic upheavals as populations find themselves physically displaced from their places of origin to new and unfamiliar settings. It is important to note that a strong correlation exists between incidents of terrorism in a country and growing number of internally displaced people (IDPs). The countries with the highest number of terrorist attacks have probability of more number of IDPs as reflected by the global statistics given by Internal Displacement Monitoring Center (IDMC). About 40 million people in 28 countries were internally displaced because of conflict and violence as of December 2015 with maximum number in Syria (6.6 million) followed by Iraq (3.3 million), Sudan (3.2 million), Nigeria (3.1 million) and Pakistan (1.5 million) (IDMC, 2016).

The process of quantifying the financial impact of terrorism is a cumbersome exercise given that indirect costs exceed the direct costs (Enders & Olson, 2004) as terrorism eventually affects transportation, tourism, trading, foreign direct investments, employment opportunity, price controls and above all the economic opportunities for individuals as well as society as

whole. Apart from national and individual financial losses incurred due to terrorism, the total spending on war on terror in its three major operations involved expenditures of about \$1.2 trillion (Belasco, 2011). The independent sources estimate \$6 trillion as the direct and indirect costs of war on terror including medical cost, foreign aid, and social costs (De Graw, 2011). About \$55 billion was the estimated cost of only physical damage after 9/11 and \$7 million loss for each dollar spent by Al-Qaeda on the planning and execution of the terrorist attacks in USA (Carter and Cox, 2011).

### **Terrorism and its Victims in Developing Countries**

The ex- UN Secretary General Kofi Anan defines “*a developed country is one that allows all its citizens to enjoy a free and healthy life in a safe environment*” (UN Conference on Trade and Development, 2000). The Human Development Index (HDI) is source of analyzing the comparative economic development of a country but sense of security and safety for citizens is equally an important factor. Although, terrorism has transcended national boundaries and poses a global threat but still its adverse effects are mostly concentrated in underdeveloped regions of the world. Terrorism exists in 87 countries of the world but 82% of its victims belong to Iraq, Afghanistan, Pakistan, Nigeria and Syria in 2013. About 66% of its victims exist only in Iraq, Afghanistan and Pakistan. Pakistan was the third country in the world with the highest number of human casualties attributed to acts of terrorism in the years 2013 (Global Terrorism Index, GTI, 2014). A similar ranking was reported in 2014 (GTI, 2015). The Global Terrorism Index Report (2016) again identified Iraq, Afghanistan, Nigeria, Pakistan and Syria as top five countries in the world with maximum number of human casualties attributed to terrorism. Although, situation in Pakistan improved with 38% decrease in human casualties and 45% decline in terrorist activities in 2015 but it remained in top five countries (GTI, 2016).

It is important to mention the role 'failing states' play as incubators of international terrorism. It is difficult to define the term 'failing state' but poor governance along with social injustice, inadequate physical, social and economic security to its citizens are the most obviously indicators. Piazza (2008) analyzes three basic reasons to construct this relationship. First, incompetent and corrupt law enforcement capabilities are conducive for terrorist organizations for exploitation of lawless areas in such countries. There are certain areas in many states, which have no formal system of governance. Tribal areas in Pakistan and some parts of Afghanistan are important examples in this regard. Second, poor governance in these countries produce alienated followers of terrorist groups. Lastly, the *outward signs of sovereignty* of such states provide a shield to terrorist organizations for an appropriate action against them by an external agency or country (Piazza, 2008:pp, 469-488). There are certain commonalities in countries with increasing acts of terrorism. First, internal political turmoil is often prevalent in these nations. Only one dictator ruled over Iraq for about 24 years (Gerald, 2001). The military rulers governed Pakistan for more than half of its 67 years old history and only one elected government could complete its tenure (Kugelman, New York Times, October 22, 2013). In Afghanistan, the monarchy of 1946 was followed by a military coup in 1973 and the country had only one elected President in its entire history (Katzman, 2014). Syria, Nigeria, Thailand, Yemen, Somalia and many underdeveloped countries face political chaos and unrest. The low level of governance and administrative oversight *inter alia* allow safe havens to develop as sanctuaries for terrorist organizations. Lamb (2008) defines *ungoverned area* as a place where government is unable to govern the population because of inadequate governance capacity, insufficient political will and presence of conflict or restrictive indigenous social structures. A *safe haven* can be defined as a place or situation that enables illicit actors to organize, communicate, train, finance and recruit without fear of being detected. These ghost areas without proper system of governance especially in Afghanistan and Pakistan provide

breeding grounds for the mushroom-like growth of terrorist outfits. The tribal belt on the both sides of Durand line (2640 kilometers borderline between Afghanistan and Pakistan created in 1893 by the British colonial government) remained one of the key terrorist sanctuaries in the world. A unique socio-culture landscape historically entrenched with a given belief system is also prevalent in such countries that facilitates the growth of terrorist organizations within an environment conducive to recruitment of militants. The terrorist outfits successfully manipulate the prevailing political, religious and social concepts through modern techniques of propaganda and the state institutions fail to apply sanctions against such activities. Moreover, such countries have also acted as battlefield for proxy wars among external superpowers, especially during the cold war years. Non- state actors were pampered and supported by respective totalitarian regimes and international actors to advance international political objectives. The war on terror after 9/11 proved a turning point as the situation remained volatile in some countries because of ongoing political violence compounded by a weak security apparatus.

### **Pakistan: Country Profile**

Pakistan remained a frontline state in ongoing war on terror in collaboration with international community. Consequent upon this decision of joining international coalition, the state and society suffered human and financial losses by acts of terrorism. The study is exclusively focused on Pakistan because of its historical role in war on terrorism and a large number of victims by acts of terrorism with mixed socio-political scenarios in different regions of the country. The different patterns of victimization by acts of terrorism and selected targets in various categories on the basis of religious orientation, ethnic background, gender, nationality and even professional affiliations of victims represent a unique and complex case study of victimology.

The country was created in the aftermath process of decolonization that led to the partition with India in 1947. It is one of the few countries that owes its existence to the ideological reasons and declares Islam as a guiding principle to run the state affairs. The preamble to the constitution of 1973 states that “*Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust*”. Moreover, the unique geographic location of Pakistan (Appendix-A) continued to have impact on geopolitical disputes with neighboring countries that exacerbated into four wars with India and diverted its resources in military and defense expenditures rather than developing a welfare state (Anwar, Rafique & Joiya, 2012, pp-163-182). Since its creation, the country remained in trouble because of periodic interceptions in democratic process by military rulers, feudal structure, low economic growth, unemployment and dependence on external debts (Ahmad, 2013). Pakistan has population of 207.7 million people, 6<sup>th</sup> most populated country in the world (Pakistan Bureau of Statistics, 2017) inhabited in an area of 796,095 sq. km divided into four provinces of Punjab, Sindh, Khyber Pakhtunkawa (KPK), and Balochistan. The population is composed of diverse ethnic groups of *Punjabi* (44.6%), *Pashtun* (15.4%), *Sindhi* (14.1%), *Sariaki* (8.3%), *Muhajirs* (7.5%), *Balochi* (3.5%) and others (6.2%). In terms of religious population, the country is predominantly Muslim (96.4%), followed by other communities like Christians and Hindus (3.6%) (CIA World Fact book: About Pakistan, 2015). The Muslim population is further divided along sectarian lines into Sunni (80%) and Shia (20%) in Pakistan (International Crisis Group, 2005). The demographic indicators of the country are given at Appendix -B. Pakistan has big governmental machinery that consists of 30% wage earners in public sector as compared to the 70% in private sector (Aslam & Kingdon, 2009). It has an army consisting of 9,46,000 soldiers (World Bank Report, 2012) and its number tended to periodic increase from 2002 to 2012. It has eighteen federal law enforcement agencies and six provincial police

organizations including that of Gilgit Baltistan and Azad Jammu and Kashmir with total manpower of around 3,54,221 police officials (Abbas, 2011). The cumulative strength of Pakistan army and that of all federal and provincial law enforcement organizations is more than 1.3 million with huge budgetary allocations. Apart from external threats and domestic governance issues, the attempt to Islamize the state and society in Pakistan during Zia's military regime (1977-1988) produced indelible impacts that trapped the country into a vicious cycle of violence under the garb of *jihadi* culture. This transformation as a strategic policy tool cultivated non-state actors responsible for the present day terrorism in Pakistan. The incident of 9/11 reversed political options and Pakistan announced a policy of alignment with international community in War on Terror. Presently, Pakistan has officially listed 64 banned organizations in the country (National Counter Terrorism Authority, 2016).

### **Statement of Problem**

Pakistan remained involve in a state of *war with itself* (Constable, 2011), insurgency by anti-state elements and anarchy by terrorists. Terrorism in the country produced countless human and financial losses but the state policy to deal with this menace was not based on any scientific findings. A national state institution mandated to deal with victims of terrorism has not been established in the country. National victim survey has not been conducted to have an accurate assessment of their needs at national and provincial levels. National Counter Terrorism Authority, NACTA created in 2013 after ten years of start of war on terror, has not yet framed a national policy on the victims of terrorism. The victims of terrorism in Pakistan have not only systematically ignored by the government but scholars and researchers have also not yet focused this important human crisis. Rashid (2012), Hussain (2010), Mir (2008, 2010), Abbas (2005,2009), Guraratna and Iqbal (2011) and Haqqani (2005) have produced works on the political aspects of terrorism in Pakistan. Some of the authors have focussed on specific

areas. Gul (2009, 2011) has produced works on terrorism focusing on the tribal areas of Pakistan. Rehman (2013) has specifically focussed on nature and magnitude of crime and terrorism in Karachi. In the same way, Amin (2013) has given an inside story of Taliban in Waziristan. In view of the geopolitical gravity of the situation, international authors have also produced plenty of works on terrorism in Pakistan but their writings are substantively based on media reports rather empirical research and analysis. Some of the writings are generic in nature dealing with the overall external and domestic problems of Pakistan. Peter (2009) has linked Taliban, ISI and Opium Wars. Similarly, Fergusson (2011) tried to give a true story of Taliban as most feared guerrilla fighters in the world. Most of the writings are full of emotive explanations without a corresponding justification on empirical grounds. Lieven (2011) has also produced a general critique on Pakistani State, politics and growth of terror network. Similarly, Constable (2011) has given the critical analysis of Pakistani state and society. Pak Institute of Peace Studies and Islamabad Policy Research Institute (2010) have published numerous reports on security issues in Pakistan. Pak Institute of Peace Studies publishes the Annual Security Report of Pakistan that documents the changing patterns of terrorist incidents in the country. Islamabad Research Policy Institute (IPRI) also produces periodic reports on different security and terrorism related issues but its reports are not based on empirically compiled data. In its work titled "*Pakistan: Victim of Terrorism*" (Haq, 2008) different news items on the subject have been compiled which do not present a comprehensive analyses of the relevant issues and challenges faced by victims of terrorism. A single book exclusively dealing with victims of terrorism in Pakistan is yet to be published. There is no specialized research work yet published on victimological aspects of terrorism in Pakistan simply because of fact that victimology is a new field of study in the country. No educational institution in the country offers specialized courses on terrorism and victimology except few training institutions of criminal justice departments. In recent past, UNODC arranged training workshops on victims

and witness protection for police and judicial officers. Global Survivors Network conducted *Humanity versus Terrorism Seminars* in some universities in Pakistan under *Scream Against Terrorism* project. Moreover, Pakistan Terrorism Survivors Network (PTSN) is yet to evolve as an effective forum. Sustainable Development Policy Institute (SDPI) and Pakistan Society of Victimology (PSV) in collaboration with World Society of Victimology (WSV) arranged a panel discussion on victimology of crime and terrorism with participation of international experts on victimology at Sustainable Development Conference in December 2015 (Sustainable Development Policy Institute, 2015). In the absence of knowledge and research on victimological aspects of terrorism, it seems challenging for the country to evolve an effective victim services system for victims of terrorism. The overall scenario of research on victims of terrorism in developing countries like Pakistan is somehow not very encouraging. It is believed that lack of funds; inadequate data and limited access to victims are major constraints in research on victims of terrorism in many countries (Sharma, 2003, p.174). Apart from these reasons, the most important is the absence of priority within academic and policy spheres. There is need of exclusive scientific research on victims of terrorism at international, regional and local levels to understand the real challenges confronted by victims of terrorism. Its need for Pakistan is important on account of four propositions. First, Pakistan represents a unique case of victimization by acts of terrorism over a period of more than one decade of involvement with domestic and international actors. Second, the policy framework on victim services in the country is deficient in many ways that requires the attention of researchers. Third, it is important for the country and its people. As already stated that a great number of victims of terrorism exist in Pakistan and research on this demanding area has a humanitarian value. It will provide a roadmap not only to the government of Pakistan but other developing countries in South Asian region can also benefit from the findings. Fourth, it will lay foundation to



further research into victimological issues in Pakistan. It will also contribute to the existing body of knowledge in this field.

### **Research Question**

The core research question explores the victims' experiences on their needs and provided services by various institutions in order to propose a policy framework to improve the conditions of victims of terrorism in Pakistan in view of empirical findings and international practices. The core research question has four fundamental perspectives. The specific sub-questions are given below.

1. What are the patterns of victimization by acts of terrorism in various regions of the country and existing measures for the victims of terrorism in Pakistan? (Chapter 2)
2. What are the experiences of victims of terrorism (interviewees) regarding their needs and services provided by governmental and non-governmental institutions in terms of financial compensation, medical services, protection, participation, information, social acknowledgement and level of satisfaction in different regions of the country? Are the responses of victims (interviewees) belonging to civilian population and that of law enforcement agencies different regarding their needs and provided services or not? (Chapter 3)
3. What are the international standards of victim services recommended by international instruments of United Nations and policy measures adopted in USA, Europe and neighbouring countries of Pakistan for developing a system of assistance to such victims? (Chapter 4)
4. What can be the possible parameters of proposed national policy framework at national, regional and local levels to develop an effective system of victim services in the country? (Chapter 5)

### **Methodology**

The original feature of this study is the empirical analysis based on data collection through semi-structured interviews and findings that eventually lead to specific recommendations. The interviews were conducted with participation of 230 victims of terrorism (N=230) in all categories belonging to seven regions including the capital area in Pakistan. The selection of sample victims is a crucial phase in victimological studies (Schneider, 1981). The victims (interviewees) were selected randomly from seven regions in view of their availability and consent to participate. There was no set formula for randomization of the respondents. Initially, the police record of different areas was scrutinized and basic contact information of various victims was compiled. In the second stage, these victims were approached and their interviews were conducted at their places. The interviews in Balochistan and FATA were conducted with involvement of the local community members because of peculiar cultural and security challenges. It had some influence on sampling because both of these areas represent male dominated cultures. Moreover, Balochistan and FATA had serious security challenges as compared to other regions because of more presence of terrorist networks and also ongoing military operations. It was safe for the victims to interact through community members. It gave more confidence to them and they expressed their issues voluntarily. Each victim was interviewed separately. The duration of the interview was not fixed and it vary from case to case basis. No pilot study was conducted prior to formal interviews of victims. The interviews were not recorded because of the factor that may affect the voluntary disclosure of the victims about their issues of victimization and responses. Such sensitivity was more visible in behaviour of respondents belonging to FATA, KPK and Baluchistan. The respondents include victims from Federally Administrative Tribal Areas (FATA), Kyber Pakhtunkhawa (KPK), Balochistan, Sind, Punjab, Gilgit Baltistan and

Islamabad Capital Territory (ICT). The regional distribution of victims (interviewees) has not been framed in view of casualties and injuries by acts of terrorism because of the fact that some specific areas had proportionally higher rate of victimization as compared to others. The areas with very low level of victimization have also been represented with a reasonable number of victims to achieve the saturation level of representation to gauge the real situation pertaining to their needs and services. The interviewees were selected from both direct and indirect victims of terrorism. The direct victims got injured in person by acts of terrorism whereas indirect victims were the family members of deceased victims. No specific time framework was selected for this study. More than 70% of the respondents in this study were victimized by the acts of terrorism after 2010 in the country.

The first sub-question of this study was dealing with identifying the patterns of victimization in different regions of the country and existing measures for the victims of terrorism. It was based on both primary and secondary data. After identifying the patterns of victimization by acts of terrorism in different regions, the existing legal framework has been explored (Chapter 2). The second sub-question related to victims' experiences on needs and services is primarily based on the empirical data. The victim profile of each victim was composed of various variables after conducting semi-structure interviews. The first group of variables was related to age, geographical area, ethnic group, religion, sect, profession, marital status, educational background, dependents, average income and rural or urban origin. The summary of data on religious, and family background of the victims with socio-economic indicators was compiled for further analysis. After compiling the basic facts, a victim needs analysis was conducted to identify the victim needs in five categories of financial, medical, social, psychological, protection and other needs. The experiences of interviewees on these needs was further analyzed with reference to geographical locations to assess whether needs of victims in specific jurisdictions are different or not. There was a rationale for conducting

regional analyses of needs and services because provision of victim services was primarily the responsibility of provincial governments. There is always a difference of resources within different regions and provinces. The victim feedback was compiled with reference to services provided by five major sources of government departments, international bodies, non-profit institutions, community and family. Their responses were summarized to identify the major sources of support and also to assess the role performed by all institutions. It further developed an analysis to evaluate the role of these institutions in identified seven regions. This analysis was helpful in framing policy framework and defining priority areas in some regions. After a broad assessment about victim services, specific responses about financial compensation, medical services participation, information, protection, social acknowledgement and their level of satisfaction were recorded (Interview Performa attached at appendix-C). Each aspect was further probed by asking some specific questions. In case of medical services, the provision of ambulance, availability of doctor, free medical service and long-term medical treatment was discussed.

This study also addresses a specific victim population that belongs to law enforcement agencies. The choice to single out this group of victims (interviewees) was based on the two reasons. First, law enforcement officials remained more victimized by acts of terrorism as compared to all other professions because of obvious reason of their role in counter terrorism measures. Second, the law enforcement agencies have developed their own system of victim services that needs comparison with services provided to civilian victims. The comparative casualty ratio of security officials was one third of the civilian casualties (Pakistan Security Report, 2012). Hence, 65 victims from security agencies as compared to 165 civilian victims were randomly selected for interviews. The format of questions was same for both groups of respondents. The comparative analysis of their responses on needs and services was conducted

to observe any variations. After data analysis, victim narratives are also given to explore their experiences in details in the context of their victimization.

The third sub-question of this study aims at exploring the international standards of victim services in UN system and existing practices in Europe, USA and neighbouring countries of India and Afghanistan. A separate chapter is devoted to this section because it provided basis to further recommendations. This part does not deal with empirical data. Different victim services institutions in USA were also visited and informational interviews with experts were conducted to identify available practices. The existing system of services in India and Afghanistan has also been discussed because of cultural and geographical affinities. (See chapter 4). The fourth sub-question is purely futuristic and seeks to propose policy guidelines for a comprehensive system of victim services. The policy recommendations have been framed on the basis of empirical findings based on victims' experiences on their needs and existing services and international practices of victim services. (See chapter 5)

There are specific reasons for selecting semi-structured interviewing method for this study. First, there is no reliable data available on victims of terrorism with detailed analysis of different variables. Secondly, it provided an opportunity to develop a study based on direct interaction with victims to know the details on various issues of victimization. Lastly, it was more appropriate to conduct semi-structured interviews instead of a large-scale survey because of limited resources and lack of institutional support.

Research on victims of terrorism also poses critical ethical challenges. First of all, the clandestine nature of terrorism creates issue of accessibility to the victims of terrorism. It is because of the fear factor. A large number of civilians were victimized because of their links with law enforcement agencies, international organizations and media professionals. The same fear factor exists while disclosing the inside stories. The Fleischman and Wood (2002) has

rightly pointed out that man-made disasters have profound effects on victims which impair their ability to provide voluntary decision about research participation. The socio-cultural environment of the target group also defines the scope of their participation in such research work. The choice of participation by a victim is a personal choice because of individualism in western societies that differs in case of communal and even tribal cultures as in case of some regions in Pakistan. Over-sampling of victim populations creates another difference. Because of unique selling point of research, the victims of terrorism in developed countries are subjected to multiple studies as in case of 9/11 victims. Over-sampling is the repeated interaction of the same group of victims with different researchers in various studies that may lead to decline their consent to participate in any research work. The situation in countries with less vigorous and active research culture is different and victims do not face such problems. Here, the critical issue is accessibility to real victims of terrorism living in different locations. The cultural barrier is the most significant constraint in conducting empirical research. In case of Pakistan, very few researchers have access to tribal areas and direct contact of researcher with female victims is almost impossible in some cases. The researchers face an attitude of mistrust. Mostly, they also feel insecure because of prevailing security challenges. The meetings with the interviewees in such areas were arranged with the help of local elders. Most of the victims have also moved to the settled areas in KPK Province. Moreover, data of FATA Secretariat regarding these victims also proved helpful in tracing them. The situation in settled areas was not challenging as police record helped a lot in finding the genuine victims. The second real challenge in researching the victims of terrorism is readiness to tell truth on the part of victims. There are certain socio-psychological constraints and mental barriers that cannot be overcome without participation of local elders in case of some communities. Although, most people have knowledge of national language but they feel more convenience in their local language. The victims from FATA and Balochistan also face problems of communication in

national language. Majority of these interviews in these areas were conducted with the help of local educated people. The purpose of these interviews was discussed with those individuals before conducting the formal interviews. Their involvement also gave confidence to the interviewees and created a convenient environment for lengthy discussions. There was no direct security challenge to conduct these interviews as the interviewees were approached earlier through telephone for their consent and they prefer to participate in groups. They were provided a sense of confidentiality and privacy by clarifying the objective of this study. The real names of interviewees have not been mentioned to meet the ethical standards of research. After compilation of data from all parts of the country, it was translated into English and then encoded for further analysis. Two office assistants in Pakistan and one research assistant in California, USA helped in data compilation and analysis. The overall scheme of research question, methodology, data collection and analysis was predesigned but few minor amendments in the selection of respondents were made in view of problems in locating and approaching these victims.

There are certain limitations of this study. First, the selected sample of interviewees was not exactly proportional to the actual number of victims of acts of terrorism in various regions of the country. The randomization of respondents in different regions was adopted because of complex nature of the study and availability of the respondents to participate in the study. Second, the number of female respondents was less as compared to the male respondents. The exact proportional ratio of female victims in the exiting data on the casualties by acts of terrorism in Pakistan was not yet clear. Most of the data show the casualties' ratio of civilian population and its further gender-based segregation is missing. However, the less representation of female victims in the sample was also on account of cultural issues.

### **Literature Review**

The principal goal of literature review is to address basic theoretical perspectives on terrorism and its victims. The goal is set on account of two basic propositions. First, most of the readers are not familiar to basic concepts of victims of terrorism. Second, political narratives on terrorism and its victims have developed certain complexities that need to be addressed for clarification and understanding. Who are real victims of terrorism and what are the demarcating lines to define such victims? How victims of terrorism are different from that of crime? These are fundamental questions that require to be addressed at an early stage. The controversy about the exact number of such victims exists in both governmental and independent sources because of absence of specific criteria defined by national and international law. Most of the national jurisdictions have a narrow definition of terrorism and its victims. It is often argued that victims of terrorism need a broad spectrum of identification beyond the primary victims (Office of Victims of Crime, USA, 2000). These analytical questions have been reviewed in existing literature and effort has been made to explore issues by consulting different secondary sources in the existing body of literature. The underlying purpose is to reveal the inherent theoretical weaknesses and empirical contradictions in the existing body of literature (Baumeister & Leary, 1997, p.312). Nine basic considerations were kept in mind while framing the structure of this review exercise. Inadequate introduction, insufficient coverage of evidence, lack of integration, lack of critical appraisal, failure to adjust conclusions, unsubstantiated assertions, selective engagement with evidence, lack of clear research focus are some of the common errors on the part of researchers while conducting a review exercise (Baumeister & Leary, pp. 316-320). An effort is hereby made to provide a comprehensive review of literature by focussing more on the concepts related to the topic under consideration.



A dramatic increase in the literature on terrorism was noticed after 9/11. Silke (2008) identified that 150 books on average were written on terrorism each year from 1995 to 2000 but it took a sharp hike and suddenly the number rose up to 1767 books (34 books each week) in 2002 with onward addition of 1000 books each year. About 1200 books on terrorism were written in 2003, 1350 in 2004 and 1150 in 2005 (Silke, 2008, p.29). Although, the trend declined in subsequent years but the proliferation of books and articles on the subject has contributed remarkably to the development of insight on the global phenomenon of terrorism. The quality of research on terrorism remained a point of concern. Schmid and Jongman (1988) have identified that 80% literature on terrorism was not research based (p.179). Based on this research it can be argued that a fresh scientific investigation may be required to testify the same proposition at present times. Counterterrorism remained the focus of researchers, writers, non-profit organizations and even governmental institutions. The numbers of works devoted to victims of terrorism at international, regional and local levels are comparatively less as compared to works available on counterterrorism. However, the exact number of works on counterterrorism is also unknown because of absence of any database. The selection of works that included in the review is based on the availability at different libraries in Pakistan and USA. The online sources were also consulted for more updated sources.

The legal status of victims of terrorism under international law has been short of ideal (Romani, 2012). Although, the term victim has been defined in article 1 of UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 but no single definition of a victim of terrorism exists supported by a mutual consensus. The definitional crisis in view of multiple definitions within a single state is also confronted in victim-centric discourse. A two-step approach is proposed to avoid controversy on the subject. In the first stage, it is important to understand terrorism, which can lead us further to identify its victims in a

second step. In view of existing literature on definition of terrorism, it is pertinent to point out that there are three basic definitional perspectives on terrorism. The first perspective is about definitions given by international and regional organizations. Most of these definitions are generic and vast in nature. The second set of definitions was given by national governments. These definitions are restricted and mostly taken terrorism in criminological parameters and violation of national laws. The third perspective is quite diverse based on scholarly contribution by researchers and renowned experts in the field of terrorism. Most of the scholars have defined terrorism in a political perspective. This has led to the development of an informal consensus among scholars that terrorism is by and large a highly politicized phenomenon, although its means and ends have different dimensions.

There are certain occasions where attempts have been made to define terrorism in United Nations but member states have failed to forge a consensus over a single definition. The UN General Assembly Resolution 49/60 (1994) and Security Council Resolution 1566 (2004) have adopted different definitions. United Nations remained abortive in its attempts to define the term that can gain the consensus among the international community. The defining scheme of terrorism by European Union is different from that of United Nations as it adopted an explanatory mode. It defines terrorist offences rather than terrorism itself. European Union Framework Decision on Combating Terrorism (2002) defines terrorist offences. The process of declaring a terrorist offence is based on a combination of objective elements like murder, hostage taking, extortion as well as subjective elements that constitute acts of serious intimidation to population and destruction of structure of a country (EUR-Lex, 2016).

In the second set of definitions, the national governments have adopted mixed approaches. Each country has several definitions on terrorism. For instance, different institutions in USA have in place a range of definitions for terrorism. Similarly, different

definitions have been adopted in various laws. US Federal Criminal Code, US Patriotic Act and US Army Manual (No. FM 3-0, Chapter 9, 37) stand at variance in their definitions. Within scholarly spheres, Schmid and Jongman (1998) have propounded one of the prominent definitions of terrorism. It introduces the stipulated possibility of 'state terrorism' offering a fresh and comprehensive perspective to include victimization of innocent citizens by both state and non-state actors. The scholarly explanations of terrorism offer more reliable, unbiased and objective definitions of terrorism as compared to those given by government institutions but still it lacks consensus among scholars as well. Despite the fact that different supranational bodies, government institutions and individuals have attempted to explain terrorism but defining terrorism is still a hazardous task (Coady, 2002). It is an over-used term with strong emotive basis that lacks a more precise and concrete explanation (Hoffman 1998,p.1). The objective at hand is not to identify the exact definition of terrorism. There are political complexities involved in identification of victims of terrorism. Most of the terrorist organizations also defend their actions by portraying themselves as victims through propaganda techniques. The offender-victim paradox is a natural consequence of political controversies involved in the definitional crisis of subject under discussion.

Despite the challenges there is reason to hope to overcome the issues at hand. Apart from identifying an appropriate scholarly definition, a realistic yardstick needs to be developed. One of the most common elements in governmental and scholarly descriptions is the relationship of terrorism to human rights violations. It is not an ordinary violation of human rights but usurpation of human fundamental rights through use or threat of violence by any actor through any means or under any motivation and circumstances that affects a large audience. Gross violation of fundamental human rights is a direct impact of terrorism. The right to life as the most sacred of all fundamental rights is prolifically violated as a result of terrorism

(Emerson, 2012,p.6). The victims of terrorism suffer these violations irrespective of their guilt. Predominant emphasis on a universally agreeable definition of terrorism has in fact compromised the position of its human victims. UN Special Rapporteur Ben Emerson (2012) has rightly pointed out that victims of terrorism are in fact victims of international human rights violations and norms. Development, peace and human rights are inter-linked (Global Counter-Terrorism Strategy, Para 11). These three indicators of democratic order and humanism are keenly affected by terrorism. In terms of international rules concerning use of force, the threat or use of violence against innocent non-combatants runs against international humanitarian norms (Romani, 2012, p.81). A three-pronged scheme is proposed for identification of the acts of terrorism. First, an act of terrorism takes place in a specific territorial jurisdiction and almost all states have endorsed specific definitions of terrorism as propounded in national laws. In case of offences not defined in national laws, judicial precedents can guide us to define a terrorist offence. Secondly, in case of cross-border instances of terrorism where perpetrator and victim are of different national origins, the regional instruments explaining different categories of acts of terrorism can be considered for identification of victims of terrorism. Thirdly, in case of non-availability of any tangible concept at national or regional level, it is proposed to adhere to the international instruments and human rights norms that specifically deal with terrorism and crimes against humanity. The scholarly definitions, although conceptually more clear as compared to institutional definitions can not guarantee certain legal rights to victims of terrorism and subsequent services after an acts of terrorism. The proposed scheme will further help to de-emotionalize this complex and multifaceted phenomenon without compromising the legal standing of victims of terrorism in national, regional and international spheres.

As an indirect consequence of predominant investment of intellectual energy to understanding of terrorism, a comprehensive legal framework for victims of terrorism had not

been satisfactorily developed. United Nations and European Union amongst other international bodies provide a basis in soft law and offer a generalized concept of victims of terrorism within the broader heading of victims of crime (Letschert, Staiger & Pemberton Eds. 2010, p.9). However, it has been observed that some of the European instruments are comparatively more specific in their discussions on victims of terrorism as compared to that of United Nations. The Council of Europe in the Guidelines on the Protection of Victims of Terrorist Acts, 2005 has given a rudimentary concept of victimization as a result of terrorism. Principle 1 of the Guidelines has urged that states should ensure that *any person who suffered direct physical and psychological harm as a result of terrorist act as well as in appropriate circumstances, their close family could benefit from the services and measures prescribed by the guidelines. These persons are considered victims for the purpose of these guidelines.* Although, it also requires the definition of terrorism but terrorist offences have been clearly identified in EU perspective. It has included both physical and psychological damage. United Nations and European regional bodies have advanced the international concept of victim that is still lacking in other regional and national systems (Romani, p.39).

A comprehensive legal definition of victims of terrorism is not available in national laws of many countries but this gap of non-existence of a concrete legal concept can be filled with the aid of qualifications stated in terrorist offences of national laws. Romani (2012) has argued that the existence of a common definition of such victim is not *per se* a pre-requisite for determining their legal rights. Nevertheless, it is an important step towards legal means to victims of terrorism for enhancing their legal and social position in the criminal justice process at different stages. Due to undefined legal status, most of the participants in UN Secretary General Symposium for Victims of Terrorism (2008) called for international status and some of them also urged that terrorist offences be included in the offence list under the jurisdiction of

International Court of Justice. The victims of terrorism were considered as the real heroes of War on Terror, the title was given by United Nations Secretary General in his speech at UN Symposium, 2008. The ceremonial acknowledgement of their sacrifices is the first step in right direction towards ensuring these victims access to institutionalized state services.

Based on the level of damage inflicted, Schmid (2012) has classified victims of terrorism into two major categories of direct and indirect victims. He goes on to further identify four types of direct victims and six types of indirect victims of terrorism (p.4). According to Schmid, the four categories of direct victims of terrorism are given as under.

1. *Those who are killed by terrorists, kidnappers, hostage-takers, gunmen or bombers.*
2. *Those who are injured, mutilated or mentally tortured by terrorists but are ultimately released or liberated.*
3. *Those who are wounded or die in a counter-terrorist (rescue) operation at the hands of terrorist or armed first responders.*
4. *Those who become mentally or physically handicapped or die (e.g. in PTSD based suicide) in a causal sequel to one or several terrorist events in which they were involved or of which they were direct witnesses.*

The above-described typology of direct victimization of terrorism is comprehensive as it accounts for the direct physical, social, psychological and economic aspects related to the impact of terrorism. The degree of socio-legal entitlements varies with the level of victimization. Similarly, the indirect victims of terrorism suffer harm in a different way. Schmid (2012) posits six sub-groups of indirect victims of terrorism given below.

1. *Those close to persons in the four categories of primary and direct victims that include family, dependents, friends and colleagues.*
2. *Those whose names appear on terrorist death lists and have to fear for their lives.*

3. *Those who have otherwise a well found reason to fear to be victim in future.*
4. *Those first responders to acts of terrorism who have suffered harms in intervening to assist victims or to prevent their victimization.*
5. *Those who experience income loss or property damage due to acts of terrorism.*
6. *Those whose personal well being and normal life-style is changed in a negative way by terrorist threats and counter- terrorist measures.*

It is pertinent to note here that sub-categories 1, 4 and 5 of indirect victims are concrete whereas the rest of categories are not clear and consequently hard to determine in quantifiable terms. Ben Emerson (2012), the United Nations Special Rapporteur in his report (p.8, para65) has identified four major categories of victims of terrorism that are enlisted below:

1. *Natural persons who have been killed or suffered serious physical or psychological injury through commission of an act of terrorism (Direct Victims)*
2. *The next-of-kin or dependents of a direct victims (Secondary Victims)*
3. *Innocent individuals who have been killed or suffered serious injury indirectly attributed to an act of terrorism (Indirect Victims)*
4. *Potential future victims of terrorism*

The above-described categorization is meaningful but the last sub-group is speculative in character. The rationale behind this additional category is somehow stems from state obligations to protect its citizens from future acts of terrorism and Special Rapporteur envisages that they are principal beneficiaries of state obligations (Emerson, p.5). This sub-group of victims is in fact symbolic in nature and demands immediate and effective measures to prevent acts of terrorism. Letschert, Stagier and Pemberton (2010) have referred to yet another category of victims of terrorism and called it *tertiary victims*. Knowing the fact that patterns of victimization vary with changing times and many victims cannot be incorporated in

the given categories of direct and indirect victims. In this study, a novel concept of *vicarious victimization* has been discussed. *Vicarious victims* are generally tertiary victims that may or may not residing in the same region as direct victims but belonging to offender group through nationality, ethnic group or religion and face vicarious retribution through anger exhibited by members of victim group. This is a unique phenomenon as terrorism is an international crime and has affected citizens across the borders. Two broad categories of victims of terrorism are proposed for the sake of clear identification and legal entitlements. The first category is that of direct victims who suffer physical, social, economic and psychological damage in person as a direct consequence of an act of terrorism by state and non-state actors and their loss can be empirically verified. The indirect victims of acts of terrorism constitute the second category of victims who are dependents and family members of direct victims.

A number of questions arise when terrorism is perceived as more than a crime. There is lot of debate in intellectual spheres whether victims of terrorism are different from victims of crime. The soft laws of international instruments do not make any differentiation. It may be because of the fact that a comprehensive international law on victims of terrorism is missing. The scale and magnitude of victimization in terrorism vary as compared to traditional crime. Terrorism usually involves mass victimization with higher degree of damage and suffering. It is out of scope to explore whether victims of terrorism face more agony as compared to that of traditional crime. The impersonal character of terrorism also makes some distinctions. The disproportionate use of violence against the indiscriminate targets makes terrorism different from traditional crime. In normal crimes, offenders usually employ restraint in the use of force that is not the case in terrorist offences where targets are randomly selected. Besides the scale of damage and tactical differences, victim needs and rights in case of terrorism are identified to be somewhat different from victims of traditional crimes. Romani (2012) has pointed out four



different rights of emergency assistance, continuing assistance, truth and memory for victims of terrorism, which have not been incorporated in international law and called the victims of terrorism as *Macrovictims* (p.86). The major differences lie at implementation levels. The fundamental question for researchers and policy makers is about the victims' services system in a particular jurisdiction. Is it possible for a traditionally maintained system for victims of crime to address the needs of victims of terrorism? In normal cases, the emergency health services are not ready at a large scale in some jurisdictions. Most of the injured victims lose their lives because of absence of an elaborate medical system. The immediate medical response after an act of terrorism with a large number of injured victims requires adequate number of ambulances, doctors, availability of blood, hospital beds and means of transportations. The police and other first responders also lack a well-rehearsed response models to acts of terrorism. The scope of participation of victims in non-terrorism related criminal cases is somehow different in several aspects from cases of terrorism. The need for physical protection is different as some victims of terrorism also undergo mass migration in view of the continuing threats. Their sufferings augment in case of absence of any contingency plans by local administration. The displacement needs and immediate preparations for resettlement make the differential bases for both categories of victims. Usually a single claimant in a non-terrorism related crime has a higher likelihood of legal participation and benefits as most of cases are decided in view of the personal presentations but the situation with victims of terrorism is markedly different. The scope of participation in criminal justice process is relatively more limited. In case of suicide attack, there is no arrested offender and victims of terrorism face obstacles in their right to justice. Moreover, victims of terrorism are not given restitution as most of the terrorists are either killed or their assets are unknown. The principle of restitution is mostly applicable in cases of traditional crimes if perpetrator is identified and sentenced. Mostly, criminal liability is leveled against individual criminals in case of ordinary crimes

whereas victims face challenges in identifying their perpetrator within terrorist syndicates. The globalization of current terrorism adds to the complication. In cross-border situations, victims suffer more because of absence of bilateral treaties and regional cooperation for victims of terrorism. The transnational character of terrorism and its victimization demand new procedures and organizations for victim support (Alberecht & Kilchling, 2007, p.21). Certain regional counter-terrorism treaties like Arab Convention on Suppression of Terrorism (1998), Islamic Conference on Combating International Terrorism (1999), SAARC Regional Convention on Suppression of Terrorism (1987, 2004), ASEAN Convention on Combating Terrorism (2007), African Convention on Prevention and Combating Terrorism (1999), Inter-American Convention against Terrorism (2002) have been signed but few treaties are exclusively focused on victims of terrorism as in case of Madrid Memorandum (2012) in the European regional system. These counter-terrorism conventions condemn acts of terrorism but the specific issues and challenges faced by victims of terrorism belonging to different nationalities are missing. It goes without saying that terrorism falls under the category of human actions that amount to crime. The main difference lies in the context in which terror victimization occurs and its audience (Letschert, Staiger & Pemberton, 2010). Apart from the context, it needs further investigation whether the capacity, resources, equipment, infrastructure, skills and knowledge required for a victim services system for victims of terrorism differs from the system requirements for general victims of crime. In view of different propositions discussed in review exercise, it can be summarized that terrorism is a political violence against citizens and members of law enforcement agencies in violation of human fundamental rights at a large scale that produce direct and indirect victims. The absence of single definition of terrorism and its victims cannot be taken as an excuse for absence of international or national legislature on victims' legal rights .

## CHAPTER 2

### TERRORISM AND ITS VICTIMS IN PAKISTAN

The objective of this chapter is to address the first research sub-question that deals with study of patterns of victimization by acts of terrorism in different regions of Pakistan and existing policy and legal framework in the country. Patterns of victimization refer to the selection of targets and modes of violence against the victims. There are certain reasons to probe this question before dealing with empirical data based on semi-structure interviews with the victims of terrorism. Most of the international readers are not familiar with unique internal security issues of Pakistan. Their perceptions about terrorism in the country are based on media representations and selective knowledge. The causation and consequences of victimization by acts of terrorism in respective regions is complex that requires more clarity to novice readers. The brief historical developments of terrorism in the country and its patterns have been discussed through selective examples to give better understanding. The existing policy and legal framework has also been reviewed for future policy recommendations. It also further explains the corresponding role of state institutions to deal with challenges faced by the victims. This part of study does not deal with primary data but based on secondary sources to identify the patterns of victimizations, categories of victims and related laws of the government.

#### **Patterns of Victimization by Acts of Terrorism**

Terrorism and political violence is not new to Pakistan. The country has witnessed bloodshed since its inception. About one million people died from both sides of India and Pakistan as a result of communal violence in the process of Indo-Pakistan partition in 1947 (Ghosh, 2013). The first Prime Minister of Pakistan, Liaqat Ali Khan was assassinated by an

Afghan fanatic in a public meeting on October 16, 1951. He is remembered as *Martyr of the Nation*. The reason of this murder is still unknown in history of the country. The state and society in Pakistan oscillated between liberal and conservative viewpoint of Islamic identity since its existence. The first religious violence in the country erupted in the form of *Anti-Ahmedyyia movement* majorly run by a *Jamat-i-Islami* (a conservative religious party) aiming at removal of *Ahmedis* from top official assignments and declaring them non-Muslims turned into public riots in 1953. It proved the first event to invite army to take control of civilian affairs after imposition of martial law in Lahore. Governor General, Ghulam Muhammad invited Lieutenant General Muhammad Azam to impose martial Law in Lahore on March 6, 1953. It also acted as a rolling stone for political instability in the country. The successive political governments were deposed and ultimately General Zia-ul-Haq that ruled the country from 1978 to 1988 hanged Mr. Zulfikar Ali Bhutto, 9th Prime Minister of Pakistan to death on April 4, 1979. He further dragged the country into extremism by promulgation of *Hudood laws* and sponsored militant religious organizations. Hudood laws are man-made laws promulgated by Zia government with severe punishment for offences like adultery, theft and use of narcotics. It introduced the punishments of whipping, amputation and public hanging. Zia government had a close liaison with *Jamat-e-Islami* (JI) and *Jamiat-e Ulama-Islam* (JUI). The majority of presently banned organizations were established at that time with the support of government. The sweeping Islamization of the military and government during Zia regime greatly fuelled religious extremism in Pakistani society (Hussain, 2010). The Afghan war and Iranian revolution were two basic external factors that reshaped the government policy towards extremism in Pakistan. The *Army-Mullah* nexus (collaboration of Army with religious leaders) manipulated the notion of Islamic jihad under umbrella of Pak-US coalition. Initially around 4000 recruits from religious outfits in Pakistan joined 1,50,000 *Mujahideen* (Islamic soldiers) against Soviet Union in Afghanistan (Schmidt 2012, p.74). Moreover, the sectarian conflict was

also deep rooted in Pakistani society and the Saudi and Iranian support to some politico-religious factions cultivated a sectarian warfare. The religious divide into Sunni and Shia population in Pakistan also turned into a staged conflict after Iranian revolution in 1979 (Ahmad, 2011).

Pakistan, being a frontline state on war on terror is a victim as well as a harboring place of international terrorism (Rashid, 2012, p.31). It remained a place of proxy wars in its history and played a prominent role in international power politics in cold war era and afterwards. In view of its own regional security issues, Pakistan opted for Islamic Jihad paradigm as an informal military strategy against regional rivals in partnership with USA. Terrorism in Pakistan is a result of misunderstood calculations for ambitious political goals. Many writers have explained how Islamic militants were developed and trained by state institutions to gain political goals in Kashmir and Afghanistan. Siddiqa (2011) has categorically stated that the use of militancy as a strategic tool remained a risky option for Pakistan (p.155). Although, the founder of the country had a vision of democratic and enlightened welfare state but unfortunately, the vision could not yet turned into reality. The Afghan war diverted its future pathways. The state, scholars and religious schools were three major instruments in developing militant religious organizations in the country (Waheed, 2007). The 9/11 attacks on the United States was a turning point and friends turned into foes. Until that point in national history, Pakistan was one of three countries that recognized the Taliban government in Afghanistan. After reversal of government policies, all the Jihadi outfits turned against the state and society with the advent of war on terror. The nature of terrorism in Pakistan is retaliatory. Pakistan is still paying a heavy price of this reversed strategic option. It may be a compulsion rather than a choice in view of external pressure of international community. Pakistan was given a clear choice of either to be part of international coalition or face consequences and the then

government took a U-turn and assumed the role of frontline state in war on terror. The President Musharraf accepted seven demands of the United States within 24 hours after a meeting with newly appointed ambassador to Pakistan, Wendy Chamberlain (Shah & Aziz, 2013, p.99). The US demands included stopping al-Qaeda operations on the Pakistani border, intercept arms shipments through Pakistan and logistical support for bin Laden, blanket over-flight and landing rights for US planes, access to Pakistan's naval bases, air bases and borders, immediate intelligence and immigration information, curb all domestic expression of support for terrorism against the United States, its friends and allies, cut off fuel supply to the Taliban and stop Pakistani volunteers going into Afghanistan to join the Taliban and to break diplomatic relations with the Taliban and assist the US in destroying bin Laden and his al-Qaeda network (Ahmad, 2013). Pakistan being a non-NATO ally provided air base facility, naval facilities and support for logistic supply by road (Khan, 2013, pp-37-56). It launched six major military operations against the militants in the tribal areas from 2001 to 2010 and the most recent one was *Zarb-e-Azb* in North Waziristan that displaced 5,66,000 people of the area. The operation started on June 15, 2014 was named on the sword of the Prophet of Islam. About 30,000 troops participated in this operation (Dawn News, July 7, 14). It was considered as the first decisive operation against the militants in Pakistan and also proved successful in reducing the number of acts of terrorism. But its effectiveness in eradicating terrorism in the country is still questionable. As per South Asia Terrorism Portal, 62,979 people including 22,191 civilians, 6,887 law enforcement officials and 33,901 terrorists have been killed in Pakistan from 2003 to December 2017. The maximum number of casualties in all categories was reported in 2009. The number of civilian casualties periodically increased till 2013 and then started declining in 2014 and 2015. Pakistan also suffered financial loss of \$100 billion from 2001 to 2013 (Haider, 2013). The year wise human loss by acts of terrorism in Pakistan is given in Table 1.

Table: 1

*Fatalities in Terrorist Violence in Pakistan (2003-2017)*

Year	Civilians	Security Force Personnel	Terrorists/ Insurgents	Total
2003	140	24	25	189
2004	435	184	244	863
2005	430	81	137	648
2006	608	325	538	1471
2007	1522	597	1479	3598
2008	2155	654	3906	6715
2009	2324	991	8389	11704
2010	1796	469	5170	7435
2011	2738	765	2800	6303
2012	3007	732	2472	6211
2013	3001	676	1702	5379
2014	1781	533	3182	5496
2015	940	339	2403	3682
2016	612	293	898	1803
2017	540	208	512	1260
Total	22191	6887	33901	62979

Note. Data till December 31, 2017 (Source: South Asia Terrorism Portal)

Terrorists targeted the ex-prime minister of Pakistan, Army Headquarters, law enforcement officers, foreigners, journalists, religious scholars, mosques, churches, hotels, cricket teams, polio-vaccine workers, girl's schools and students, Shia- Hazara community and even the residency of founder of Pakistan. A 15-years old girl, *Malala Yousafzai* was shot at her face for her campaign for girls' education. The shock waves of persistent violence and

terrorism travelled from north to south presenting a true story of mass victimization. Terrorism in Pakistan is a multitude of Islamic extremism, sectarian conflicts and ethnic strifes. The patterns and somehow causation also vary from region to region. It is in fact a unique country of the world that presents multiple reasons of terrorism, mixed terrorist networks, traditional and modern terrorist tactics and a wide range of victims of terrorism. The regional study of patterns of victimization by acts of terrorism is important because of unique socio-political environment in each region. Although, the country consists of four provinces but some regions like Federally Administrative Tribal Areas (FATA) and Gilgit Baltistan (GB) need separate focus because of magnitude of incidents and different patterns of victimization. The scale of violence and number of fatalities vary from one region to other. FATA is the most affected region in the country. The number of fatalities is much higher in FATA as compared to other regions because of ongoing military operation. The population share of FATA in the country is about two percent but fatality ratio is 41.1% of total fatalities in Pakistan. The fatality ratio in Sind province is also higher because of target killing and political violence in the area. Balochistan is affected by repeated acts of terrorism because of its geographic proximity with Afghanistan and ongoing insurgency in the province. The situation in KPK province improved because of effective military operations and effective policing. The fatality ratio in Punjab province was less (7.4%) as compared to its share in population (53.2%). Although, terrorism exists in almost all regions of the country but its concentration in FATA, Balochistan, KPK and Sind is proportionally higher as compared to other regions. The regional distribution of fatalities by acts of terrorism in respective regions of the country is given in Table 2.



Table: 2

*Regional Distribution of Fatalities (2015)*

Area	Population Ratio	Fatalities Ratio
Federally Administrative Tribal Areas	2.3%	41.1%
Khyber Pakhtunkawa (KPK)	13.5%	9.4%
Balochistan	5.1%	15.4%
Sind	22.1%	26.2%
Punjab	53.2%	7.4%
Gilgit Baltistan	0.6%	0.06%
Islamabad	0.7%	0.2%

Source: Center for Research and Security Studies, Annual Security Report, 2015.

### **Federally Administrative Tribal Areas (FATA)**

Federally Administrative Tribal Areas (FATA) of Pakistan remained a hotspot of terrorism in the country. These areas are considered the safe heavens for terrorist syndicates because of its lawless boarder areas with Afghanistan. The dynamics of terrorism and its victimization cannot be understood without knowledge of its peculiar geographic location and system of governance. FATA consisting of seven political agencies (*Khyber, Mohmand, Bajaur, Kurram, Orakzai, North Waziristan and South Waziristan*) and six small regions (adjoin the districts of *Peshawar, Kohat, Bannu, Lakki Marwat, Tank and Dera Ismail Khan*) stretched over 27,224 Square Kilometers (3% of total area of Pakistan) with 3.17 million people divides Pakistan and Afghanistan in an area of 2500 kilometers (1400 miles) called *Durand Line* drawn in 1893 by British colonial rulers (FATA Introduction, 2015). As per Constitution of Pakistan, 1973, FATA is part of Pakistan (Article 1) and has representation in National Assembly and Senate (Articles 51, 59) but the Supreme Court of Pakistan and

Provincial High Court has no jurisdiction over the territory (article 247). It has ethnically diversified society consisting of 350 tribes that are divided into clans (*Khels*) and further divided into family groups (*Kahols*). The social code of conduct called *Pushtunwali* stands for hospitality and protection to every guest (*Milmasti*), collective requirement to help those in trouble (*Khagara*), respect for clan (*Azizwale*), asylum to even enemies if they come as supplicant (*Nanawati*), cousin rivalry (*Tarboorwali*), imposes responsibility for gaining revenge to wipe out an insult (*Badal*), taunting a person for cowardice until he takes appropriate revenge (*Paighor*) and requiring individual and family honor to be upheld (*Nang*) (Nilsson, 2009, p.8). About 40 to 50 million *Phustuns* living on both sides of the boarder between Pakistan and Afghanistan follow this social code and they are probably “*the largest stateless ethnic group*” in the present day world (Wazir 2011,p.64). Toynbee (1961) called the region as *the crossroad of civilizations* because of its political significance. The tribal areas of the country remained in turbulence and violence since long. The people had three *Anglo-Afghan wars* with British colonial rulers and gave a tough resistance against occupation. After the creation of Pakistan, the elders of the area signed an instrument of accession with Jinnah, founder of the country in *Bannu Tribal Jirga* in January 1947 (Haq, Rashid & Nari, 2005, p.28). The legal, administrative and judicial framework of the region as defined in the Frontier Crimes Regulations (FCR) of 1901 remained the same with certain amendments from time to time and last amendments were done in 2011. The FCR was enacted to control the opposition to British rulers in tribal region. It held the area under the direct control of federal government to exercise its authority through the governor and FATA secretariat. Despite the periodic amendments, the formal judicial and administrative system was not established. The area turned into a sanctuary of militants in the absence of rule of law. The Federally Administrative Tribal Areas present a picture of lawlessness, lack of development, drugs, arms, unemployed youth and its proximity with Afghanistan. The outdated legal framework in FATA called

Frontiers Crimes Regulation (FCR) is a major reason of lawlessness, as it does not allow formal system of justice. Some articles of prevalent law are in violation to international human rights instruments (Hussain, 2013, p.19). The previous governments have failed to replace this obsolete law with normal existing criminal laws of the country because of opposition from strong pressure groups like civil bureaucracy and tribal lords called *Maliks*. *North Waziristan* remained a major breeding place of terrorism in the country and a safe abode of local and foreign terrorists (Gull, 2011, p.54). Terrorism in tribal areas is religio-political in nature, as these areas remained the base line of Jihadi network in Afghan war. Abdullah Azzam established al-Qaeda as an organization during his stay in Pakistan. Osama Bin Laden and his followers later on joined it. Abdullah Azzam was a Palestinian teacher in Al-Azhar University, Cairo and was also teacher of Osama Bin Laden. He came to Pakistan in 1989 to join Afghan Jihad where he established the network for recruiting militants all over the world. After reversal of priorities by Pakistan, these militants turned against the country for its coalition partnership in war on terror. Lack of rule of law and incapacity of state institutions are two major reasons of failure against militancy in FATA. The demographic profile of Federally Administrative Area reflects that *Bajaur, Khyber, Kurram and Mohmand* are four largest agencies in the region. FATA has lowest socio-economic indicators in the country. About 21.4% of the people are literate and women literacy rate is just 7%. Only 8.3% of the land is cultivable because of hilly terrain in FATA. There is only one doctor for 6728 people and one hospital bed is available for 2571 people (FATA Secretariat, 2014). The per capita government funded investment in FATA is just \$11.30 as compared to \$25.55 at national level (Fata Multiple Indicator Cluster Survey, 2009). About 73% of people in FATA are poor (Multidimensional Poverty Index, MPI, 2015). The degree and nature of violence in the tribal areas presents a complex situation. In last six years from 2009 to 23<sup>rd</sup> February 2014, 18445 people including 14515 militants, 2551 civilians and 1370 officials of security forces have been killed in FATA

(South Asia Portal, 2014). As per FATA Research Center's Annual Security Report 2013, 1673 people have been killed and 1199 injured in 378 incidents of terrorism in the tribal belt only in 2013 (FATA Annual Security Report, 2013). Civilians and security officials remained major targets of terrorists in this region. The situation in 2014 and 2015 improved a lot because of military operation in the area. The number of militants killed (1671) was proportionally higher than fatalities of civilians (126) and security officials (112) in 2015 (Center for Research and Security Studies, 2016). In civilian population, the members of peace committees remained a prominent target of terrorists in the region. These committees are called Village Defence Councils (VDCs) and the Pakistan Army officers select the members of these councils to involve local population in counterterrorism operations. The periodic targeting of tribal elders affected the role of traditional institutions of *Jirga* (tribal council) in the peace process in FATA (Kerr, 2010, p.9).

### **Khyber Pakhtunkawa (KPK)**

Khyber Pakhtunkawa (KPK) province is the affected region because of its proximity with FATA and Afghanistan. It has border of 1100 kilometers with Afghanistan. The cross-border infiltration of militants remained a major factor for growth of militancy in the region. The *Pushtoon* areas of the province are more affected as compared to *Hazara* region. The province consists of seven administrative divisions and 26 districts. There is only one doctor for 7075 citizens in the province and unemployment rate is 8.3% (Government of Khyber Pakhtunkawa, 2016). It is estimated that 6.45 million people are working as unskilled laborers in the province (Labor Force Survey, 2013-14). About half of the population (49%) of the province live in poverty (Multidimensional Poverty Index, MPI, 2015). MPI is the measure of deprivation of an individual with respect to education, health and standard of living. In KPK terrorists targeted religious places, foreigners, markets and majorly law enforcement officials.

Some senior police officers including Commandant, Frontier Constabulary Siffat Ghajoor (August 4, 2010) and Deputy Inspector General of Police, Malik Saad (January 29, 2007) were victims of suicide terrorism in Peshawar. Terrorists also targeted political rallies and funeral ceremonies. Imran Khan Mahmond, a member of Provincial Assembly was killed along with twenty other people in a bomb blast while he was performing a funeral ceremony in *Mardan* city on June 18, 2013 (“Independent MPA, 20 Others”, 2013). Another member of KPK provincial Assembly, Farid Khan was also killed in Hangu (“PTI’s MPA Farid”, 2013). The civil rights activists were also targeted in the province. *Farreda Kokikhel Afridi*, a Pushtun feminist and women rights activist was killed by militants as she was running a Non-Governmental Organization called Society for Appraisal and Women Empowerment in Rural Areas (SAWERA) (Zia, 2012). Terrorists also targeted journalists in the province for reporting the exact situation through electronic media. The militants in Swat killed a Geo News reporter on February 19, 2002 (“Slain Musa Khan”, 2009). *Mukarram Khan Atif*, a journalist working for Voice of America and *Dunya* News was killed on January 17, 2012 while he was saying his prayers in a mosque (“Voice of America journalist”, 2012). According to Federal Union of Journalists and INTERMEDIA Pakistan, 87 journalists have been killed in Pakistan from 2000 to 2013 (INTERMEDIA Pakistan. N.d). Apart from journalists, polio workers were also the major targets in KPK province. It has been reported that 16 Polio campaigners were killed and 17 injured in various parts of the province in 2013 (Buneri, 2014). The geographic proximity of KPK province with FATA and Afghanistan has made this area more vulnerable. The terrorist attack on Army Public School in Peshawar (December 16, 2014) was one of the worst terrorist attacks in the entire history of country in which 150 people were killed including 134 school children. This terrorism incident reshaped the future counterterrorism strategy and the government adopted more stringent approach by promulgating strict laws on terrorism.

## **Balochistan**

Balochistan is the largest province by territory (44%) and least populous (5%) in Pakistan (Government of Balochistan, 2016). The province has border with Afghanistan and Iran. The British established a parallel policing system in the province by dividing the jurisdiction into A-area and B-area. The A-area (only 5%) had proper police and judicial system whereas B-area (95%) was managed by *Levies*, special police run by local elders. Levies were created in 1883 by the British government (Babakhel, 2015). In view of increasing security concerns, the federal cabinet approved conversion of all B-area into A- area in 2003 that was again reversed by Balochistan government in 2010 (Balochistan Police, 2016). This policy reversal had serious repercussions for security in the region. The patterns of terrorism in Balochistan are different as compared to that of FATA and KPK. Apart from Tahreek Taliban Pakistan (TTP), there are also certain liberationist terrorist organizations like Balochistan Liberation Army (BLA) operating in the province. They primarily targeted law enforcement agencies and also attacked the memorial residence of founder of nation in *Ziarat*. Balochistan Liberation Army took its responsibility and five militants raised the flag of the organization on this building as confirmed by Interior Minister of Pakistan (“BLA claims attack”, 2013). Human Rights Watch (2014) in its report “*We are the Walking Dead*” highlights the plight of Shia victims of terrorism in Balochistan. The comprehensive report is based on interviews with 100 victims and their families. It explains the repeated sectarian victimization in the province. Some specific cases of terrorist attacks including attack on Hazara mosque killing 53 people in 2003, suicide bombing of hospital in 2010 and target killing of some prominent persons present a unique patterns of victimization by acts of terrorism in the province. The report suggests a set of recommendations to the federal government, provincial administrative machinery and international donor agencies. It recommends establishing an independent commission to investigate instances of sectarian killing in the province and further emphasizes the prosecution

of the offenders. The sectarian terrorism targeted an ethnic Shia- Hazara community with persistent violence against innocent men, women, and children. The community members were victimized in individual targeting killing, suicide terrorist attacks and public massacre. On August 31, 2010, a suicide attacker entered a Shia Mosque on festival of Eid and killed 11 people. In a separate incident, 26 Shias were disembarked from a bus and killed in Mustung district while travelling to Holy Places in Iran on September 19, 2010. It has been reported that 450 Shias were killed in 2012 and 400 in 2013 (Human Rights Watch, 2014: *We are the Walking Dead*, p.1). The Punjabis and non-Bloch settlers also remained potential targets of terrorist activities in Balochistan after killing of a Bloch leader Nawab Akbar Bughti in a military operation in 2007 (Pak Institute for Peace Studies 2012, *Conflict and Insecurity in Balochistan*, p.35). Despite the government claims of decrease of terrorism related incidents in the province by 50% in last two years, 86 terrorism related fatalities including 38 militants, 35 law enforcement officials and 13 civilians were recorded in first 37 days of 2016 (South Asia Terrorism Portal, *Balochistan Assessment*, 2016). In recent terrorist attack, lawyer community was targeted on August 8, 2016 in which 70 people were killed and more than 100 injured in a suicide attack in the civil hospital of Quetta (Tanzeem, 2016). A police-training center was targeted in Quetta on October 25, 2016 that killed 61 police recruits and 117 got injured in twin suicide attacks (Shah & Sherani, 2016).

### **Sind Province**

Sind is the southeastern province of Pakistan and second largest province by population after Punjab. It consists of seven administrative divisions and 29 districts (Government of Sind, 2016). Karachi, capital of Sind, is the most populous city of the country. It is also the financial hub of the country with its 30% share in manufacturing sector (Karachi Metropolitan Corporation, KMC, 2016). Terrorism in Sindh province presents a mixed scenario. The

situation in Karachi is quite complex. The menace of targeted killing was a key feature of city life and criminal gangs also resorted to terrorist activities. Ethno-political hostility, increasing crime and militancy are key reflections of violence in Karachi (Yusuf 2012 a, pp.7-19). A large number of citizens had been victimized in targeted killings and the main cause of this serial killing was primarily ethno-political in nature. The criminal justice organs are not autonomous in their functions because of excessive politicization and external interventions. Rehman (2013) has pointed out that mafia groups have undertaken deep alliances with political, ethnic and religious groups and this explosive cocktail is making Karachi one of the most dangerous cities of the world (p.21). The US government has officially declared situation of political violence and terrorism in Karachi critical for its citizens (United States Bureau of Diplomatic Security, 2015). The ex-interior Minister, Rehman Malik has publically stated that 1363 people have been killed in last five years in Karachi (The Express Tribune, September 7, 2012). The military and law enforcement installations and officials, public places and Shia community remained the major targets of terrorist organizations in Sind. The terrorist attack on Mehran Naval Aviation base in 2011 lasted for 18 hours that killed ten people (“Terrorist attack thwarted”, 2014). A bomb blast in Abbas Town killed 48 innocent lives, injured 140 and completely damaged their houses (“Karachi: 48 dead”, Geo T.V. March 3, 2013). It was reported that 158 kg explosion was used for this attack (“Blast ravages Shia neighborhood”, 2013). Chaudhry Aslam, a Superintendent of Police working in Counterterrorism Department (CTD) was killed in a suicide attack (“SP CID Chaudhry Aslam slain”, 2014). A suicide attack on Police Training Center, Shah Latif town killed 13 police officials and 58 got injured (“Karachi car bomb”, 2014). The Jinnah International Airport was also attacked (June 9, 2014) that killed 28 people including ten attackers (“TTP claims attack on airport”, 2014). Although, the frequency of terrorism incidents in rural Sind was less but terrorists also targeted Shia



population. An explosion targeted Shia procession during Muharram (October 24, 2015) killed 20 people including eight children in Jacobabad district (“Bomb targeting Muharram”, 2016).

### **Punjab**

Punjab is the biggest province of Pakistan by population that contributes to 55% of country’s population (Government of Punjab, Population Welfare Department, 2016). Terrorism in the Punjab province of Pakistan is a multitude of internal and external forces. Almost all major attacks on national leaders occurred in Punjab. First attack after declaration of war on terror was undertaken against President Musharraf in 2003 that killed 14 people and 49 injured but he survived the attack. The ex-Prime Minister, Benazir Bhutto was killed on 27<sup>th</sup> December 2007 in a political rally. The incident also killed 30 people and injured 200 at *Liaquat Bhagh*, Rawalpindi. The first terrorist attack against her was done in Karachi on her arrival to Pakistan after a long exile during Musharraf government. The law enforcement organizations were also the main targets of terrorists in almost all provinces including Punjab. The attack on police training school in *Manawa*, provincial headquarters of Federal Investigation Agency and Pakistan Naval War College were planned terrorist activities. On March 11, 2008 terrorist attack on building of Federal Investigation Agency killed thirty people injured 200 people in a suicide attack. Eight people were killed and 24 injured in a suicide attack in the parking area of Pakistan Navy War College, Lahore on March 4, 2008. The *Ahmadiyya* religious minority was also remained a major target of religious terrorists in Punjab. *Ahmadiyya* community constitutes a religious minority that has been declared as non-Muslim in the constitution of Pakistan, 1973. On May 28, 2010 terrorists attacked two worship places of *Ahmadiyya* community in Model Town and *Ghari Shahu* and killed 94 persons in both incidents. Some fanatics, although not part of formal terrorist organizations, attacked Christian community in *Gojra*, a small town in district Faisalabad. In another incident, a mob of about 300 Muslims

attacked the Joseph colony and burnt 100 houses of Christians to ashes on the pretext of blasphemy by one person (“Dozens of houses torched”, 2009). The federal Minister for Minorities Affairs, Shahbaz Bhatti was also assassinated in Islamabad by terrorists on basis of religious hatred, as he was critic of blasphemy laws in Pakistan. He was shot dead on March 2, 2011 and members of TTP took the responsibility of his killing. The religious shrine, *Data Darbar* in Lahore is widely respected in the country and terrorists attacked the shrine on July 1, 2010 in two consecutive blasts killing 43 people and 175 injured. Most of the terrorists belong to *Deoband* school of thought and they attack shrines because of their disliking for *Sufi* interpretation of Islam. Some moderate religious scholars like Dr. Sarfraz Naeemi who gave counter narratives to militant Islamic discourses were also killed in terrorist activities. He was killed in a suicide attack at *Jamia Naeemia*, Lahore on June 12, 2009. In most recent terrorist attacks, the public park of Gulshan-e-Iqbal was attacked in which 72 people were killed and 300 injured (March 29, 2016). The blast occurred at the main gate of Public Park and majority of the victims were Christians (“At least 72 killed”, 2016). The southern parts of the province contributed manpower to many militant networks. *Jhang* (a district in central Punjab) also remained a notorious abode of sectarian terrorists in the province and played a major role in developing *Punjabi Talibans*. Hussain (2012) has rightly pointed out that district of *Jhang* is the most dangerous district that gave birth to the present fatal tradition of sectarian massacre in Pakistan (p.49). The main focus of counter terrorism measures remained focused on northwestern part of Pakistan turning Punjab a major baseline of militant and sectarian organizations (Hussain, 2014).

### **Gilgit Baltistan (GB)**

The northern part of Pakistan consisting of Gilgit Baltistan (GB) is a place of beautiful valleys and famous hills of the world. GB formerly known as northern areas has undefined

constitutional status. The federal government took control of the area in March 1949 and supervised its administration through Ministry of Kashmir and Gilgit Baltistan Affairs but given the autonomous status of self-governance with enactment of Gilgit-Baltistan Empowerment and Self-Governance Order, 2009 (Mahmud, 2016). The conflict between Sunni and Shia communities is long last for many decades in GB. Majority of population of the region is Shia by faith (75%) but sectarian composition in Gilgit city is 60% Shia and 40% Sunni (Feyyaz, 2011). Apart from shia-sunni clashes, Shia population was targeted in planned terrorist activities. A passenger bus belonging to Shia community of GB was attacked in *Mansehra* district of KPK in which 19 passengers were pulled and shot dead (Sadaqat, 2012). In another incident, a passenger van going to *Harmosh* was targeted on October 2, 2014 and three people of Shia community were killed and ten injured (“Blast in passenger van”, 2016). Terrorists also targeted the foreigners in the area. The tourism industry was affected by increasing violence and terrorism incidents in GB. The number of tourists dropped from 1,13,399 (1998) to just 2544 (2009) because of fear of violence and terrorism incidents in Gilgit Baltistan (Khan, 2012). The most prominent attack was done against foreign tourists at *Naga Parbat* (June 22, 2013) that killed nine hikers and one local guide (Sherazi, 2013; Mir, 2013). The law enforcement agencies started targeted operations against the terrorists in the area and terrorists also retaliated by targeting senior law enforcement officers. The District Police Officer (DPO), Diamer and an Army colonel along with two captains were killed in an ambush on August 6, 2013 (“SSP Diamer and two Army officers killed”, 2016). The increasing presence of terrorists in this area can be traced from the fact that Tahreek-e Taliban Pakistan (TTP) selected Khalid Balti, a resident of GB as its chief spokesperson (Sering, 2015).

### **Islamabad Capital Territory (ICT)**

Islamabad Capital Territory (ICT) of Pakistan consists of an area of 906.50 square kilometers (Capital Development Authority, CDA, 2016). It is center of government offices and diplomatic installations. The situation of terrorism in ICT also remained critical. The number of terrorist activities especially suicide terrorism in the entire country increased after the military operation (Operation Sunrise) in *Red-Mosque*. Pakistan Army conducted Operation Sunrise on July 2007 to prevent siege of Red Mosque in the heart of Capital city, Islamabad. The failure of dialogues between government and administration of red-mosque culminated into a major surgical operation that continued for three days and a number of students (men and women) of religious school were found dead. The then Federal Interior Minister, Mr. *Aftab Ahmad Sharpoee* told media in press conference that 102 people had been killed including eleven officers of security agencies ('list of dead, injured', n.d.). The frequency of terrorism related incidents multiplied in almost all parts of the country after red-mosque operation. The anti-state sentiments were reflected in statements of spokesmen of various terrorist organizations and they claimed the responsibility of many incidents of terrorism as a major reason of this operation. The offices of international organizations were also targeted in Islamabad. Foreigners working in these offices were kidnapped from various parts of the country. The Marriot hotel bomb blast was the major terrorist activity with a huge collateral human and material damage. The militants targeted the hotel in suicidal attack on September 21, 2008 in which 52 people were killed including foreigners. About 600 kg explosive was used in a truck bomb (Wilkinson, 2008). The ex-governor of the province, Suleman Tasser was killed on January 4, 2011 in an incident of firing by an extremist police official named *Mumtaz Qadri* who was performing security duty with him. He was killed for his media remarks about presidential pardon for a Christian lady, Asiya Bibi accused in a blasphemy case. In another

incident, Chaudry Zulfiqar, the prosecutor in case of Ex-Prime Minister Benazir Bhutto was killed in Islamabad (“BB murder case prosecutor killed”, 2013). Terrorists also targeted public places in Islamabad. The fruit and vegetable market was targeted that killed 24 people and injured 122 (“Islamabad once again a target”, 2014). The district courts of Islamabad were targeted in which the District and Session judge along with ten other people including lawyers were killed in a terrorist attack (“Judge, 10 other killed”, 2014).

### **Categories of Special Victims**

Apart from understanding the regional patterns of victimization by acts of terrorism in Pakistan, it seems imperative to discuss some unique categories of victims. These victims were targeted on the basis of their identity. Five major categories of these special victims have been identified and discussed. It was difficult to collect empirical data on these special victims because of non-availability of victims, lack of consent and policy restrictions in some cases. The description of these special categories will give new dimension to study the patterns of victimizations by acts of terrorism in Pakistan. It also provides a new scope of further research in this area of study with reference to Pakistan. Moreover, the identification of these categories will have also policy implications. The questions pertaining to legal entitlements for victims of foreign origin, victims of antiterrorism operations, missing persons and victims of drone strikes remained unanswered because of lack of discussion on these categories of victims.

### **Victims of Foreign Origin**

The foreigners remained a major target of terrorist activities in Pakistan. Daniel Pearl, Journalist of Wall Street Journal was kidnapped and then killed by Al-Qaeda member, Khalid Sheikh Muhammad (February 1, 2002). Terrorists in Attock district of Punjab beheaded *Piot Stanczer*, a Polish Geologist. He was first abducted and his driver and translator were killed on

the spot. John Solecki, a US citizen working in UNHCR was kidnapped in Quetta. A Swiss couple was also kidnapped from district *Loralai* in Balochistan and Tahreek-e-Taliban Pakistan (TTP) took the responsibility. They escaped from captivity after eight months. Warren Weinstein was also kidnapped from his residence in Lahore (August 13, 2011). Taliban beheaded a sixty years old British aid worker, Khalil Dale in Balochistan. His decapitated body was found after four months of his kidnapping by militants (Crilly, 2012). Two female Check tourists, *Hana Humpalova* and *Antonie Charastecka* were kidnapped on March 14, 2013 near western boarder in Pakistan. The terrorists also released their videos. In video message, one lady said, “*In case of my death, I would like to be buried and put down in the grave of my father*”. The abductees also read the message to release *Afia Siddique*, a Pakistani neuroscientist serving her 86 years imprisonment in USA. They were released after two years with involvement of a Turkish organization named Humanitarian Relief Foundation (“Check women kidnapped ”, 2015). In some cases, Chinese Engineers working in development projects were also targeted. The foreigners were targeted in the country because of their foreign origin and terrorist syndicates highlighted their presence by selecting these chosen targets. It provides an international dimension to victimization by different terrorist groups in the country.

### **Pakistan’s Army Officials**

The officials of Pakistan Army are not allowed to interact with researchers as per the indigenous policy of the organization. However, the information about the victims and provision of services was acquired through interviews with senior army officers and secondary sources. It was estimated that about 4000 soldiers of Pakistan Army had been killed and 13000 injured since 2001. Pakistan Army lost its soldiers in Pakistan twice than that of US Servicemen in war on terror in Afghanistan (Trofimov, 2014). According to the Director General, Military Operations, Major General Ashfaq Nadeen, 3097 soldiers of Pakistan Army

had been killed and 721 were permanently disabled. The Inter-Services Intelligence (ISI) lost its 63 officials (“Pakistan lost two brigades in war on terror”, 2011). The most deadly attack was done on *Parade Lane Mosque* in which 35 people were killed including six senior military officers and 14 children between ages of eight to sixteen years. There are several other incidents in which soldiers were brutally killed by terrorists. In some incidents, they were kidnapped and their videos of torture were released. The Pakistan Taliban cite ‘*Leyeha*’ or *The Book of Rules* sanctioned by their supreme commander for justifying the killing of army officials and even general public. *Mullah Omar* in Afghanistan sanctioned abduction, kidnapping and ill treatment through his self-proclaimed set of codes and most of Taliban and other militant groups follow these codes. Army officials are considered as infidels as they support the international community in the war on terror (Amnesty International, 2012, p.32). Pakistan army has an elaborate structure of victim services for the families of deceased soldiers. The financial compensation from funeral expenditures to schooling of kids is provided to the victim families. A separate housing society was established for free homes for the widows of the killed officers in Defense Housing Authority (DHA) in Lahore. The families were given the choice either to sale the houses or rent out for financial benefits. The families of senior officers are also given land in addition to home. The *Martyr’s Day* is celebrated on April 30 each year in all units of the army to acknowledge the sacrifice of soldiers and officers. The officers do visit their families on ceremonial occasions of Eid festivals. They are buried in a ceremonial manner and senior army officer in the area has to attend the funeral. The schooling of children is also free in Army Public Schools (APSs). The medical treatment of injured soldiers is totally free of cost for all ranks in Combined Military Hospitals (CMHs). The army hospitals have professional doctors and specialized units of psychiatry and burn cases also exit. Even the civilian victims of terrorism also get hospitalized in CMH because of better quality of treatment but they have to pay for the medical services. The pension benefits also continue to

the immediate family members.

### **Civilian Victims of Antiterrorism Operations**

The primary data on civilian victims of antiterrorism operations was also not available. There are number of cases reported in the media but they were neither considered victims nor any state or non-state institution provided any form of services to them. They were denied all services because of their shaded identity. Pakistan army is performing its role in anti terrorism operations under article 245 of the constitution of Pakistan that deals with aid to civilian powers. The army started its operation by a notification of federal government under above cited article and even the High Court has no jurisdiction to interfere in the area where army is given this responsibility. Article 245 (3) of Pakistan' constitution of 1973 states "*A High Court shall not exercise any jurisdiction under Article 199 in relation to any area in which the Armed Forces of Pakistan are, for the time being, acting in aid of civil power in pursuance of Article 245*". The Bureau of Investigative Journalism has identified that at least sixteen civilians had been killed in recent military strikes in Pakistan (Mole, 2014). There are some isolated incidents of *mistaken retribution* where innocent civilians became the target of army attacks. Mistaken retribution can be defined as wrong selection of a target by an intentional or unintentional act for punishing a person. A seven years old female child *Laiba* lost her leg by a mistaken judgment by soldiers of Frontier Corp. The family was paid compensation of \$4700 by the army but the whole life of the child was ruined ("Pakistan victims of war", 2010). Similarly, there are other cases in which the property of civilians was damaged by antiterrorism operations in Pakistan. There are no assessments available to define the magnitude of such losses. The misuse of power by law enforcement and army officials has also cultivated a unique form of victimhood that most of the writers and researchers have ignored. Human Rights Commission of Pakistan documented 258 cases of suspicious killing by Law Enforcement



Agencies (LEAs) in its operations in Swat Valley. Human Rights Watch collaborated 50 such cases (Human Rights Watch, 2010). Army and law enforcement officials in many cases violated the due process of law. Amnesty International (2012) in its report '*The Hands of Cruelty*' highlighted many specific cases in which the bodies of suspected individuals were dumped into remote parts of tribal areas without investigation (p.9). It is believed that the actions in Aid of Civil Power Regulations, 2011 (AACPR) along with Frontiers Crime Regulations (FCR) provide a framework of human rights abuses in the Federally Administrative Tribal Areas of Pakistan (p.8).

### **Missing Persons and Abuse of Power**

Missing persons and their families also constitute a unique category of victims of abuse of power in Pakistan. The exact data on missing persons is also not available. The US Country Report on Human Rights (2013) refers that State Minister for Interior Baleegur Rehman informed the Senate that 813 cases of enforced disappearances are pending before the Judicial Commission on Enforced Disappearance and 304 cases only in the Supreme Court of Pakistan. Many agencies had released these people and reported 1000 such people released on the direction of KPK High Court (US Country Report on Human Rights Practices, 2013, p.6). The United Nations Working Group on Enforced Disappearance in its visit to Pakistan also highlighted this issue and concluded that enforced disappearance in Pakistan is the violation of article 7 of UN General Assembly's Declaration for the Protection of all Persons Against Enforced Disappearance, 1992. Article 7 of the declaration says that *no circumstances whatever a threat of war, a state of war, internal political stability or any other public emergency may be invoked to justify enforced disappearance*. The Working Group also reported that victim families and witnesses also received threats from unknown sources for contacting police, courts and commission in violation of article 13 of the declaration. Article 13

of the declaration directs that *appropriate measures should be taken by the states to protect victims against ill treatment, intimidation or reprisal*. The Supreme Court of Pakistan in *Adiala-11 Case* established the detention of eleven suspects as unlawful. Despite the order to produce these people in the court, officials abducted them from *Adiala Jail* of Rawalpindi and four of them died in unclear circumstances. Seven of them were presented before the court and they were released. There was no further investigation into killing of the four (Amnesty International, 2012, p.19). Their family members were considered victims by the court. The situation of enforced disappearance is critical in province of Balochistan because of rising insurgency. The Voice for Baloch Missing Persons (VBMP) claimed that 18000 Baloch had been abducted from 2001 to 2013 but independent sources claim around 6000 missing persons (Ghazali, 2014). The sixteen family members including women and children under 72 years old *Mama Qadeer* completed a foot march for 2000 kilometers from Quetta to Islamabad and ultimately baton-charged by the police (Boone, 2014). *Bygwaah* (means a missing person in *Balochi* language) is the international chapter of *Voice for Baloch Missing Persons* that highlighted this issue at international level by many demonstrations in different countries. A victim of enforced disappearance case, Amina Masood Jangua established Defence of the Human Rights to raise the voice of other victim families. Some unknown persons abducted her husband on July 30, 2005 but still there is no trace of his body despite the lapse of nine years (Defence of Human Rights, 2015). The official version is somehow quite contrary because it is argued that most of the missing persons hide themselves on criminal charges or join some armed groups. But the recovery of such persons after the court intervention is itself an evidence to counter this argument. The practice of enforced disappearance is the violation of article 25 of the constitution of Pakistan. The courts, media and non-governmental organizations had played a remarkable role in raising this issue. Article 25 of the constitution of Pakistan, 1973 says that *all citizens are equal before law and all entitled to equal protections of Law*. The issue of

missing person cases remained one of the conflicting issues in smooth relationship between judiciary and the government but the army and intelligence agencies constantly defied the order of the apex court. The substantive output of this struggle is not very encouraging because the issue of enforced disappearance is still persistent with impunity.

### **Civilian Victims of U.S. Drone Strikes**

The misuse of state authority is not restricted to the state organs of Pakistan but US drone strikes have equally contributed in developing this unique crisis of victimhood. This is another category of victims where primary data could not be acquired because of fear factor on the part of victims and security reasons. The evidence was developed through tracing the individual cases in which non-combatant civilians were targeted by US drone strikes. An old lady *Mamana Bibi* working in the fields was killed by drone strike (Parry, 2013). Eighteen laborers including a small boy were killed in *Zowisidgi* village in FATA as they were mistaken as militants. Similarly, 82 people in a mosque were killed in US drone strike in *Bajour Agency* on 30<sup>th</sup> October 2006. About 42 people in a tribal council were targeted by the drone strikes in 2011. The Amnesty International in its report “*Will I Be Next?*” has documented all these cases with photographs of victims after discreet interviews with their relatives (pp.1-14). It has investigated nine out of 45 reported strikes that occurred in the North Waziristan from January 2012 to August 2013 (p.70). The secondary sources present different count of civilian casualties. The Long War Journal claims that 361 drone strikes were conducted in Pakistan from 2004 to 2014 in which 2633 militants had been killed including 156 civilians. The maximum strikes (117) were conducted in 2010 and 89% of these strikes were focused in North Waziristan. The Bureau of Investigative Journalism claimed the count of civilian killings by these strikes between 474 to 881 people including 176 children as compared to 2562 militants (International Human Rights and Conflict Resolution Clinic, 2012. P.vi). The New

American foundation estimated the civilian casualties between 258 to 307 in 384 total strikes in last ten years. The official claims are quite contrary to all these figures. Obama administration claimed just 50 casualties since 2008, less than 2.5% of all deaths in drone strike (Center for Civilians in Conflict, 2012, p.29). There are some technical reasons of civilian casualties because of drone strikes. The one obvious reason is explained by the nature of strikes. It is important to highlight nature of strikes because of different impact and scope of collateral damage in each category of drone strike. *Personality strikes* and *Signature strikes* are two basic categories of drone strikes. The chances of civilian casualties are more in signature strikes as compared to personality strikes because of limited time and hasty decision. Signature strikes are being conducted without planning as the operator strikes on noticing some unusual movements of suspects. Personality strikes are conducted after meticulous planning to strike against those specific individuals on *death list* (Center for Civilians in Conflict, p.8). Some experts claim that *soda straw effect* in visualizing the target is responsible for civilian casualties. As the drone zooms into pinpoint target, it loses a wider picture of the area. Apart from technical reasons, the drone operators are also not trained in understanding the local culture. Many times they strike the local people considering them terrorists because of display of weapons and their movement in groups. In *Pashtun* tribal culture, everybody carries a weapon and lack of knowledge on the part of drone operators cause civilian deaths and collateral damage. The training of drone operators in understanding local culture can mitigate the civilian losses. Despite of civilian casualties, an increasing reliance of US government to use drone technology has been noticed. Obama administration has used drone strikes six times more than that of Bush in last ten years (Serle, 2014). It has obviously less cost of warfare as top of the line Predator or Reaper costs around \$10.5 million as compared to \$150 million price of a single F-22 Jet Fighter (Boyle, 2013, p.22). There is not a single public apology made by the US government over the killing of civilians in the drone strikes (Center for Civilians in

Conflict, p.49). The government of Pakistan has not conducted any discreet investigation into such cases. Some of the cases were even proved. The Human Rights Watch (2013) in its report "*Between A Drone and Al-Qaeda*" urged that US government should pay the monetary compensation to the civilian victims of drone strikes for their life and property losses. It has been revealed that US government had allocated \$10 million for civilian victims of drone strikes but this money has not reached to the victims ("Compensation fund meant". n.d.). An organization named CODEPINK, women For Peace has sent petition with 3692 signatures from different people to the chairwoman of the Appropriations Committee, Senator Mukulski for her information that none of the civilian victims of drones in Pakistan has received the compensation amount ("Senator Mukulski: Drone Victims", 2015). Only in one case it was established that the government of Pakistan provided compensation. There was evidence that political agent of the area gave Rs10, 000 (US \$100) to the family of *Mamana Bibi* but the family claim was around \$9500 (Amnesty International, 2013, p.40). Although, the international community and the government of Pakistan has time and again raised the issue of civilian casualties but political ambitions and strategic benefits of drone use had provided an over empowering logic for using drones in Pakistan. The UN Secretary General during his visit to National University of Science and Technology (NUST) in Islamabad himself urged that use of drone should be subjected to rules of international law including international humanitarian law and every effort should be made to avoid mistakes and civilian casualties ("Drone should be subjected", 2013). Similarly, the Prime Minister of Pakistan promised the end of drone strikes in his political campaigns and also raised this issue many times in the parliament but it proved a political rhetoric (Walsh & Masood, 2013). The civilian loss in drone strikes creates distrust in general population, local community, victims and their families. As per Pew Global Attitude Survey (2010), nine in ten Pakistanis think that drone strikes have also killed innocent civilians. It was also discovered in the survey that six in ten Pakistanis consider US as an

enemy (Pew Research Center, 2010). At the same time, it was also one of reasons for converting civilians into militants as established in *Faisal Shahzad case* involved in a failed terrorist plot in USA (Boyle, 2013,p.1). The Peshawar High Court ruled on May 9, 2013 that drone strikes constitute act of aggression in violation to sovereignty of Pakistan. The Court further urged the government of Pakistan to engage Security Council for violation of UN Charter and human rights violations (Horowitz & Rogers, 2013). The lawyer of the petition *Shahzad Akbar* said that ruling offered justice to the victims of drone attacks (Ross, 2013). It seems challenging as how justice can be ensured without efforts for their identification, acknowledgement and then compensation to their losses by the state institutions.

### **Review of Existing Policy and Legal Framework in Pakistan**

The second part of this chapter attempts to review the existing policy of the government and legal framework to deal with terrorism and its victims. It discusses the efforts of the government with critical appraisal for identification of key policy areas for future reforms.

#### **National Internal Security Policy (NISP)**

National Internal Security Policy (NISP) was the first policy document ever produced by the country in 2014 to address the internal security challenges (Safi, 2014). Although, terrorism has a long history in the country but no government designed a comprehensive policy at national level. There were repeated attempts to promulgate the laws on terrorism in the country from time to time. It lacks clarity, focus and a clear roadmap. National Internal Security Policy (2014-18) was formulated by National Counterterrorism Authority (NACTA) to design the policy initiatives to address the internal security challenges of the country. The policy includes Comprehensive Response Plan (CRP) and a Composite Deterrence Plan (CDP) with three objectives of dialogues with all stakeholders, isolation of terrorists from their support system

and to enhance deterrence by increasing capacity of security apparatus. Article 38 of the policy refers to the rehabilitation of victims of terrorism especially vulnerable groups like women, children, elderly, minorities and people with special needs. It does not further explain the details of the rehabilitation process and nature of actions that government intends to take in coming four years for the execution of policy. The policy has also focused on developing a Youth Engagement Strategy (YES) with allocation of money for loans to youth as a de-radicalization initiative. The majority of the policy initiatives are centered on establishing more security apparatus in the form of federal and provincial specialized units to deal with acts of terrorism. An initial amount of Rupees 32 Billion has been allocated to the central and provincial government departments for the execution of stated policy. Ten billion rupees have been allocated to the federal government departments and twenty two billion rupees were given to the provinces for the first year of execution of the policy (Safi, 2014, p. 11). Apart from its less emphasis on the rehabilitation aspects of the victims, execution of the policy has several other challenges because of constraints in civil-military relations, federal- provinces areas of responsibilities, structural and capacity issues in addition to lack of coordination among 33 military and law enforcement operational and intelligence organizations in the country (Farooq & Zaidi, 2014).

#### **Pakistan Protection Act (2014)**

The Pakistan Protection Act was passed by the parliament in 2014 with an objective to provide protection against waging a war or insurrection against the country, prevention of acts threatening the security and speedy trial of the offences related to terrorist activities. The law is based on previously promulgated Pakistan Protection Ordinance, 2013. Although, it was also a new piece of legislature in response to repeated acts of terrorism in the country but nothing substantive deals with challenges faced by the victims of terrorism. It is also aimed to enhance

the legal powers of police and other law enforcement agencies dealing with terrorism. A police officer not below the rank of police Inspector was given powers to arrest suspects without a warrant or search any place without warrant from the court (article-3). It also enhanced the period of remand from fourteen to sixty days for the investigation of the accused involved in terrorism cases (article 5). The new law took some adverse measures and even allowed the court to expel the public from the special court on the request of the prosecution officer (Article-10). It clashes with fundamental principle of right to information. The role of victim in the criminal proceedings has not been explained in this law. There is only a reference of security of witnesses along with prosecutors and judges (Article-13). The human right activists and civil society members took the law contrary to the spirit of the constitutional provisions. It also created more complications for understanding the existing legal framework to deal with terrorism in the presence of already enacted separate laws.

### **Antiterrorism Laws in Pakistan**

The country has a long history of enacting separate laws on terrorism since its inception (Noor, 2008). The initial laws did not use the term terrorism till enactment of The Suppression of Terrorist Activities (Special Courts) Act of 1975. It also provides the list of offences called *schedule offences* that constitute terrorism. Despite many subsequent laws, violence and sectarian killings posed critical challenges and finally the government passed Antiterrorism Act (ATA) of 1997. It is considered as the most prominent law on terrorism in the history of Pakistan. It enhanced the punishment of offenders related to acts of terrorism and adopted more stringent measures. Almost all subsequent special laws on terrorism from 1997 to 2014 were the amended forms of Antiterrorism Act (ATA), 1997. The Supreme Court of Pakistan in *Mehram Ali vs Federation of Pakistan*, 1997 declared some of the provisions of the special law contrary to the constitution that compelled the government to further amend this law. The



previous governments had amended this piece of legislature for many times and the last amendment was made in 2013. The list of 23 laws on terrorism in Pakistan from 1952 to 2014 is given at Appendix-E for more details. It is said “*you destroy all respect for law, if you have ten thousand regulations*” (Churchill, n.d). It also reflects that the military and political governments suffered a reactive syndrome to deal with challenge of terrorism. Moreover, they lacked a sense of direction to identify the more suitable way to deal with terrorism and its victims. Every government tried to adopt more stringent measures and it created a parallel legal and even law enforcement system. Most of the laws were enacted without substantive contribution of all concerned organizations including the victims of terrorism. The more powers were entrusted to the law enforcement officers that eventually accentuated the misuse of powers in their counterterrorism efforts.

### **21<sup>st</sup> Constitutional Amendment**

Consequent upon the terrorist activity at Army Public School (APS) in Peshawar (December 16, 2014) that killed 134 school children, the government of Pakistan adopted more stringent policy by adopting the 21<sup>st</sup> amendment to the constitution of Pakistan, 1973. The National Assembly and Senate passed constitutional (Twenty-First) Amendment Act by a majority vote on January 6, 2015 and the next day President of Pakistan gave consent to it. The new amendment established military courts for the trial of accused persons involved in terrorist activities by amending the article 175 of the constitution dealing with the appointment of judges. The decision was taken to speed up the trail of terrorism cases. It was estimated that 17000 cases related to terrorism were pending in the courts (Pakistan Justice Project and Reprieve, PJPR, 2014). Apart from this amendment, the government of Pakistan lifted its moratorium on execution of death penalty in December 2014 and 8261 convicted prisoners were on death row (PJPR, 2014, p.4). As per data of Cornell University on death penalty

worldwide, 65 executions had been done in Pakistan in 2015 (“Death Penalty Worldwide”, 2015). It is stated in the constitutional amendment that military court will work for the period of two year and this provision will be null and void after the expiration of said period [Article 1(3)]. The general public also welcomed this decision because of prevailing hatred against the terrorists and the inability of already established special courts to punish the terrorists. It is still premature to assume that victims of terrorism will feel more satisfaction on trial of terrorists in military courts or not but no specific provision of this new amendment deals with role of victims in the court proceedings.

### **Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Act (2015)**

Balochistan was the first province in the country to enact a separate law on civilian victims of terrorism. The Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Act was passed on January 28, 2015. It was the first attempt in the country to provide an institutionalized response to the challenges faced by the victims of terrorism. The law provides a broad definition of civilian victim of terrorism. A civilian victim has been defined as “*a person, not being a terrorist or a personnel of a law enforcement agency on duty, who suffers harm to body or property due to any terrorist act and, in the event of death of the person, includes the spouse of the victim or, in absence of a spouse but in order of precedence, a child, mother, father, minor sibling or other legal heirs of the victim*”(Article 2-b). It also includes the family members of the direct victims of terrorism in the definition of victims. Article 2(d) defines family members as dependent spouse, child, parents and siblings. The right of financial compensation to the victims and their families has been acknowledged (article 3). It is also stipulated that this enactment identified the bare minimum amount of compensation but government can enhance and notify in future. The provincial government of Balochistan established a separate fund for the civilian victims of terrorism in the province (article 4).

Rupees one million (USD10,000) was declared as compensation to the victim in case of death of a person by an act of terrorism. An amount of Rs.500, 000 (USD 5000) was approved as compensation in case of grievous injury by loss of a limb or other body organ. It also sanctions financial compensation for the destruction of house or any financial loss in terms of physical damage. Rs.100,000 (USD1000) was approved as compensation for such losses (Rehman, 2014). The detail of compensation in different categories is given at Appendix-F. The system of timely provision of compensation has also been discussed in the law. The provincial government will notify an officer in each district to submit a report to the government about the date, time and place of the terrorist activity, name of victim, detail of family members, and entitlement of the victim as per article-3 of this piece of legislature. The government is responsible for the provision of financial compensation to the victim and its family within seven days after the receipt of report by a notified officer [Article-6 (3)]. The law also authorizes free medical treatment to injured victims at the government hospitals but a victim can also avail free medical services in a private hospital on the recommendation of the notified officer (article 7). Moreover, the notified officer can also recommend to the government for continued medical services, a monthly stipend and vocational training to the victim or family member at government expenses (article-8). The law has given tremendous powers to the notified officer instead of establishing a separate institution of victim services with shared responsibility. Although, there is a provision of appeal to the Commissioner of the concerned division (an administrative territory) to receive complaints against deviation from stated provisions but it provides a weak mechanism of supervision. The principle of non-discrimination has been adopted as per article-11 of this law. It has been affirmed that no civilian victim can be denied of services on the basis of religion, race, gender, age or place of incident. The article-1 (2) dealing with short title, extent and commencement states that this law is applicable to the whole province except the tribal areas because of constitutional limitations.

The exclusion of tribal areas of the province has long-term consequences for the lives of victims belonging to such areas. The provincial government also keeps residuary powers to declare any person the victim of terrorism by recording its reason and forward his or her name to the notified officer for filing financial claims (article-13). It is also stated that commissioner and the notified officers are bound to follow the directions of the government. Any political government can misuse this article to achieve the political mileage. Apparently, there was no need of this provision because every case should be routed through the local officers after verification of facts. This piece of legislature provides a mechanism to address the issue of fraudulent claim by any person that will eventually face a legal action in addition to recovery of the amount (article 14). Again, the authority of initiating any legal action was entrusted to the notified officer. There was need of more clarity on the procedural aspects of filing the claims. It can further minimize the chances of any deviation or fraudulent use of legal provision. Although, it has been reaffirmed that all officers, organizations and local governments are bound to provide assistance to the commissioner or notified officer but the issue of inter-agency collaboration is not explained. The lack of coordination and inter-agency collaboration is one of the critical issues in establishing an efficient victim services in almost all provinces of the country. It has been discussed that government will conduct periodic performance audit of the services but the monitoring system is not explained in detail. The responsibility of agency for monitoring and evaluation of the services needs further elaboration. The monitoring agency needs a legal mandate and punitive powers in case of deviation from stated provisions in the law. Similarly, the issue of training of service providers has been discussed without any clear responsibility. It has been stated that government shall, in regular intervals, will make arrangements for the training of notified officers, commissioners, personnel of law enforcement agencies, health, building and livestock departments to achieve the desire results (article 20). The most critical issue of training of the first responders in emergency management has not

been categorically mentioned in this law. The details of efficient emergency management to prevent and mitigate the impact of an act of terrorism should be discussed separately. Most importantly, the law deals with only financial compensation to the victims and their families. The government has ignored issues related to information, protection, participation, psychological counseling, advocacy, social acknowledgement and community mobilization. The victim rights other than the right to financial compensation have not been clearly stated. The issues related to coordination in emergency management and corresponding role of concerned organizations were also not discussed in this law. Despite its narrow scope and limited application of victim services, it is at least the first piece of legislature on victims of terrorism by a provincial government.

#### **Punjab Civilian Victims of Terrorism (Relief and Rehabilitation) Act (2016)**

The government of Punjab has also enacted a special law on victim of terrorism. The Punjab Civilian Victims of Terrorism (Relief and Rehabilitation) Act was enacted on September 2, 2016. The contents of the law are similar to that of Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Act, 2015 with minor changes. It emphasizes the timely recognition and assistance to civilian victims of acts of terrorism. The right of civilian victims to financial grants as specified in the given schedule has been described in article-3 of this act. It also provides a narrow scope of victim rights and does not mention the information and participatory rights of the victims. The provincial government has also established a separate victim fund for civilian victims of acts of terrorism (article 4) but it has not specifically mentioned the amounts allocated for this fund. A detailed method for ascertaining the civilian victim and his or her damages has been described in article -5 of this enactment. Almost same methodology has been devised as in case of Balochistan law. It will be done through a notified officer at district level and the officer will submit the report to the government within thirty

days after an act of terrorism. The right of civilian victims to free health care facilities has been acknowledged (article-6). It is also mentioned that any civilian victim is entitled to free medical facilities in any government hospital and even he or she can be referred to any private hospital in case of lack of medical facilities. The costs related to medical expenses in the private hospitals have not been mentioned in this law. The notified officer is empowered to recommend to the government for monthly grants for specific period, educational and vocational training and continued medical healthcare to victims and their family members (article -7). The schedule for financial grants covers one-time compensation in case of death (Rupees one million), grievous injury (0.5 million), substantial injury (0.1 million), damage to shop (0.5 million), dwelling unit (0.5 million) and also to cover the damages related to vehicle (0.2 million) and livestock (0.1 million). The law does not mention any provision related to restitution from offenders if known. The system of notification to the victims was also neglected. It does not provide any provision related to victim impact statement and other legal rights related to privacy and security of victims during judicial proceedings. The provincial government of Khyber Pakhtunkhawa (KPK) has also drafted a bill on civilian victims of terrorism on the same lines (Malik, 2014) but it is still in the process of final approval.

## **CHAPTER 3**

### **VICTIM EXPERIENCES**

#### **Review of Victim Needs And Services**

This chapter primarily deals with data analyses of the subject study. It aims to address the second sub-question of this research related to interviewees' responses on their needs and provided services by various institutions. The data was collected through semi-structured interviews with 230 respondents in seven regions of the country. These respondents were actual victims of acts of terrorism in Pakistan. Although, the country has four provinces but this study was framed in seven areas because some of the regions not declared as formal provinces had peculiar features with reference to terrorism and its victimization. No preplanned scheme for the selection of the interviewees could be designed because of the nature of victimhood and availability of the interviewees to participate in this research activity. The selection of the interviewees was done on the basis of disproportionate sampling because of two factors. First, disproportionate trends were observed in frequency of acts of terrorism in different areas of the country (Table 2). Second, fixed formula of selection of victims was not workable in view of accessibility of interviewees. The interviewee questionnaire was focused on four major areas. The first part was related to the demographic characteristics of the respondents. The information pertaining to their geographic location, age, gender, marital status, urban/rural living, education, religious orientation, professional affiliation, number of dependents and financial position was recorded. Each demographic indicator has its specific reason to add in the questionnaire. The geographic location is important to ascertain the pattern of victimizations in various regions of the country. The other social indicators explain the already existing social conditions of the victims. The religious orientation on the basis of sectarian divide and professional affiliation of the victim were discussed to know the relationship of

these social facts in relation to victimization by acts of terrorism. Each interviewee was requested to share his or her story of victimization that was also recorded in victim profile. The purpose of this part of questionnaire was to assess the overall context of victimization and some of the important case studies were selected to discuss in the victim narratives.

The second part of the interview was related to victim needs assessment. A victim needs analysis was conducted in view of interviewees' responses related to their financial, medical, protection, social, psychological and other needs. This analysis was first conducted at national level and then in respective areas. The selection of basic needs was based on Maslow's theory of hierarchical needs. It consists of five pyramid levels of physiological, safety, belongingness, self-esteem and self-actualization needs (McLeod, 2007). The financial and medical needs were related to physiological needs of the victims. The social and psychological needs pertain to the needs related to belongingness and self-esteem. It is understood that all victims do not experience the same categories of the needs and a general category of 'other needs' was added in the questionnaire to record any other undefined need of the victim. The other specific needs related to participation of victim in the criminal justice system, information, counseling, social acknowledgement were discussed in provision of victim services.

The third part of the questionnaire was about responses of the victims related to victim services. A victim services analysis was conducted in view of responses of interviewees regarding services provided by government institutions, international agencies, non-governmental organizations, local community, family members and other sources. The selection of sources of victim services was based on the initial interaction with the victims and their families. The frequency of reporting of the respondents about provision of services was recorded to assess the comparative role played by various institutions. It is important to



mention that a broad perspective of victim services has been adopted that includes the role performed by all governmental and non-governmental institutions. The gaps between provisions of financial compensation, medical services, protection and information to the victims have been assessed in view of victim responses to their level of satisfaction. The comparative level of victim satisfaction is the indicator of effectiveness of victim services system in the country.

The respondents were also classified into two major groups of civilian victims and victims belong to law enforcement agencies (LEAs). The reason of this classification was based on different laws and policies of the government for these two categories of the victims. A comparative analysis of interviewees' needs and provided services for civilian interviewees and that of law enforcement agencies was conducted to assess the variations in their responses. The reason of this comparison was to find whether responses on needs and services in these two categories of interviewees vary or not. It is often argued that variations exist in victim needs belonging to both groups of victims and various institutions have provided better services to victims belonging to law enforcement agencies as compared to civilian victims. The hypothesis was testified with reference to victim needs and provided services to both groups of respondents. The study was conducted without adherence to a fixed timeframe but 70.8% of interviewees were victimized by the acts of terrorism after 2010 in Pakistan. Only 4.7 % of the respondents were related to the time period prior to 2001 whereas 2.1% from 2001 to 2005 and 22.1% from 2006 to 2010. The overall objective of data analysis was to assess the conditions of victims and corresponding support provided by various institutions. A separate portion on victim narratives is given in this chapter to provide the real account of interviewees regarding their challenges and gaps in provision of services. A detailed discussion on various issues has been conducted followed by data analyses and victims' narratives.

### Victim Profiling

In the initial stage, it was considered important to identify the basic characteristics of interviewees that participated in this study. Profiling of interviewees was helpful to acknowledge the fact that victims were not a homogenous group but a composite of various people from different socio-economic backgrounds. A separate profile for each victim was created. The summary of victim profiles of interviewees across the country is given in Table 3.

Table: 3

#### *Summary of Victims (Interviewees)*

Area/ Province	Interviewees		Type		Gender		Age Group		
	Num- ber	Represent- ation	Direct	Indirect	Male	Female	Children (1-18)	Adults (19-60)	Aging Adults (61+)
FATA <sup>a</sup>	16	7.0%	4	12	14	2	0	15	1
KPK <sup>b</sup>	60	26.1%	46	14	58	2	12	46	2
Balochistan	60	26.1%	22	38	55	5	8	50	2
Sindh	43	18.7%	18	25	39	4	8	35	0
Punjab	26	11.3%	13	13	26	0	0	24	2
Gilgit Baltistan	15	6.5%	9	6	15	0	0	15	0
Islamabad Capital Territory	10	4.3%	0	10	9	1	0	10	0
Total (Seven Areas)	230	100%	112	118	216	14	28	195	7

Note. (n=230) <sup>a</sup> FATA: Federally Administrative Tribal Areas <sup>b</sup> KPK: Khyber Paukhtunkhaw

There are certain limitations of data collection and selection of interviewees that participated in this study. The interviewees were selected on random basis. However, the

representation of interviewees in KPK and Balochistan was more as compared to other regions. Although, the representation of the interviewees in respective regions is not exactly proportional to the incidents of terrorism but areas with repeated acts of terrorism have more representation in the sample. The proportional ratio of casualties in different regions is already given in Table 2. The representation of direct victims was 48.6% as compared to 51.3% indirect victims but its distribution in geographical areas differ in the given data. Direct victims were those individuals who themselves suffered physically by acts of terrorism. Most of these interviewees were injured in terrorist activities. The indirect victims lost one or more of their family members at the hands of terrorists. The ratio of male and female interviewees also varies because of irregular patterns of terrorism in various socio-cultural spheres. Most of the terrorist activities in Pakistan occurred in areas of FATA, KPK and Balochistan where females are usually less visible at public places. Out of total sample, 6.08% were females as compared to 93.9% males. The less number of female victims in this study was because of cultural restraints. Moreover, national and regional data on victims of terrorism are not available in different categories to ascertain the proportional number of female victims in different regions of the country. The majority of the interviewees belong to adult population (84.7%) as compared to children (12.1%) and aging adults victims (3.04%). Although different laws in Pakistan define a child with different age limits but here a person under the age of 18 was treated as child as per article 1 of UN Convention on Rights of the Child (1990). Similarly, retirement age in Pakistan is 60 years; hence persons with more than this age limit were treated as aging adults. The average age of all interviewees in the sample was 33 years with a range from 6 to 87 years.

It is important to mention that *Sunni* population had more victims of terrorism in Pakistan because of the large proportion in the overall population. Out of total sample, 80.4% of interviewees were of *Sunni* origin as compared to 19.1% *Shias*. It is almost the similar ratio

of *Sunni* and *Shia* population in the country. Similarly, 68.6% interviewees were married as compared to 33.3% singles. The interviewees were divided into three categories in view of their dependents. It was observed that 35.6% of the interviewees had less than five dependents in the family as compared to 51.3% interviewees with more than five and less than ten dependents whereas 13.04% of the interviewees had more than ten dependents. The average number of dependents in the selected group of respondents was 5.8 with a range from 1 to 33. The dependents were the individuals who had no independent financial earning.

The religious and family background of the interviewees is given in Table 4.

Table: 4

*Religious and Family Background of Interviewees*

Area / Region	<u>Sect<sup>a</sup></u>		<u>Marital Status</u>			<u>Number of Dependents</u>		
	Sunni	Shia	Married	Single	Widow	Under 5	5 to 9	10 and over
FATA	16	0	14	1	1	3	7	6
KPK	50	9	40	20	0	33	21	6
Balochistan	40	20	38	22	0	10	33	17
Sindh	32	11	22	20	1	17	26	0
Punjab	26	0	22	4	0	12	14	0
Gilgit Baltistan	11	4	14	1	0	4	10	1
Islamabad Capital Territory	10	0	8	2	0	3	7	0
Total (Seven-Areas)	185	44	158	70	2	82	118	30

Note. (n=230) <sup>a</sup> Sect within Muslim Population

The socio-economic status of the interviewees was identified in terms of nature of living and financial income. The nature of living refers to their urban or rural origin. The purpose of this aspect of study was to assess the overall socio-economic position of the respondents for further analysis pertaining to their financial needs. The given data reflects that 73.4% of interviewees belong to urban origin as compared to 26.5% of rural background. The summary of socio-economic indicators of the interviewees is given in Table 5.

Table: 5

*Socio-Economic Background of Interviewees*

Area/Province	<u>Nature of Living</u>		<u>Average Income<sup>a</sup></u>			
	Rural	Urban	Under (\$100)	\$100 to \$ 249	\$250 to \$499	\$500 and above
FATA	15	1	3	8	3	2
KPK	23	37	26	28	6	0
Balochistan	6	54	12	30	17	1
Sindh	0	43	17	10	10	6
Punjab	7	19	8	12	6	0
Gilgit Baltistan	5	10	5	1	9	0
Islamabad Capital Territory	5	5	2	7	0	1
Total (Seven-Areas)	61	169	73	96	51	10

Note. (n=230). <sup>a</sup> Average income per month was converted into US dollars (US\$1=Pakistan Rupees 100)

The respondents were divided into four major groups in terms of their financial income. The information pertaining to financial position was reported by the respondents according to their own assessment. It was calculated that 31.7% of the interviewees had an average income of

less than \$100 per month whereas 41.7% with less than \$250, 22.1% less than \$500 whereas only 4.3% of the interviewees had income more than \$ 500 per month to cater for financial needs of the entire family. The average income of an interviewee's family was estimated as US\$ 197.44 (Rs.19, 744) per month. With an average number of 5.8 dependents, the monthly income per person was less than US\$35 per month. At national level, the per capita income in general population of Pakistan was US\$1513 per year and US\$126 per month (Rana, 2015). It indicates that most of the respondents in the sample belonged to poor strata of society. The average income of the interviewees was almost three times less as compared to the per capita income of general population.

The respondents had eight different professional backgrounds but majority of the interviewees (28.2%) belonged to law enforcement agencies followed by businessmen (22.1%). The less represented group of the interviewees in the sample was related to agriculture. The professional background of the respondents is given in Table 6.

Table: 6  
*Professional Background of Interviewees*

Profession	Representation
Agriculture	2.1%
Business	22.1%
Government Employees	6.5%
Laborers	12.6%
Law Enforcement Officials	28.2%
Private Employees	10%
Students	10.4%
Unemployed	7.8%

Note: (n=230)

The above given data about professional background of the interviewees indicated that 70% of the interviewees belonged to law enforcement agencies, other government jobs, business and labor class. Although, it cannot be taken as established empirical evidence without conducting a national survey with involvement of a larger number of victim population but gives an idea about the professional background of the victims. It was also observed that 49.1% of the respondents had less than eight years of formal education. About 33.4% of the interviewees had primary education (Grade 1-5), 15.6% Middle (Grade 6-8), 34.3% High School (Grade 9-12), 10.4% Graduate (Grade 13-14) and only 5.6% had master's degree.

### **Victim Needs Analysis**

The first step to review the available victim services was to assess the victims' experiences on their needs. It is important to mention that all victims do not experience the same needs but six major categories of basic needs were identified through the responses of interviewees at national level. The frequency of reporting particular need vary within the respondents. The summary of interviewees' responses pertaining to their needs is given in Table 7.

Table: 7

#### *Victim Needs Assessment*

Type of need	Need not reported	Need Reported
Financial	14.8%	85.7%
Medical	39.6%	60.4%
Protection	52.6%	47.4%
Social	64.8%	35.2%
Psychological	57.4%	42.6%
Other needs	82.6%	17.4%

Note: (n=230)

Out of all major categories of needs, 85.7% of the interviewees reported their financial needs. It was based on the relative perception of the interviewees. Some of the victims had difficulty in assessing their financial needs. They expressed their financial losses because of death of breadwinner of the family, medical costs, loss of employment and property damages. The remaining 14.3% of respondents did not report their financial needs. Although, there is no strict yardstick to measure the exact financial needs but some interviewees also expressed that they were not provided any financial compensation from the government. One of the interviewees said, *"I did not receive a single penny neither from any government institution nor non-government organization. I was not provided any other facility. I have to pay back the money that I borrowed from friends after the death of my brother in a bomb blast"*. In some cases interviewees demanded more compensation to their financial losses. Another interviewee from Karachi said, *"We lost our home and need financial help to construct our home"*. It reflects the relative nature of financial losses faced by victims with diverse responses. In some cases, it was pointed out that government had announced certain amount of compensation but it was not fully paid later on. An interviewee said, *"Provincial government announced Rs.5 lac (US\$5000) but only Rs.1 lac (US\$1000) were provided and the remaining amount was not given"*. The delayed provision of financial compensation to the interviewees also posed critical challenges. An interviewee from Lahore explained that right leg of his father was not recovered from the scene of incident and his father died after four days of hospitalization. The government announced financial compensation of Rs.3 lac (USD 3000) but the amount of compensation was given after six months of the incident. A female victim from *Bara, Khyber Agency* of FATA told that she lost her husband and brother in a terrorist activity. Now, she has to financially support both families. On question of financial compensation, she said, *"No I did not get any assistance. My husband was the sole bread winner and I do not know how to feed my family"*. The women folks in the country are already marginalized because of less employment



opportunities and cultural barriers. In the subsequent part of interviewee, the provision of financial compensation was also evaluated. It was observed that 41.7% of all respondents acknowledged that they received the financial compensation from government and other institutions.

The second aspect of victim needs assessment was related to medical needs. Sixty percent of the interviewees had reported their medical needs. The days of hospitalization vary from case to case but almost all interviewees were provided initial medical services. Most of the direct victims had multiple injuries and took years to recover and live a normal life. Some injuries require long-term medical treatment and the capacity of medical support system was often hampered because of non-availability of surgeons in hospitals of small cities. An interviewee said, *“Initial medical treatment was provided by the government and after that private treatment continued from my own pocket”*. Some of the interviewees expressed their dissatisfaction over medical treatment at government facility. Another interviewee said, *“I was not satisfied with the government medical treatment, then I started treatment from a private hospital”*. One of the interviewees also complained about spending a lot of money even in a government hospital. A vast majority of the victims expressed their concerns about the financial issues related to medical treatment. They had more dissatisfaction with the lack of long-term medical facilities and related expenses.

Forty seven percent of the interviewees reported their protection needs. In few instances, victims were provided special protection of police especially in cases of targeted killing by terrorists. The targeted communities like *Hazara* in Balochistan were provided police security but many incidents of terrorism occurred even in the presence of provided security and police officials were also killed with other civilian victims. The given security was inadequate and ineffective as perceived by majority of the interviewees. An interviewee who was victim of

a bomb blast at *Abbas Town*, Karachi said, *“We are not satisfied with the support of government of Pakistan and that of Sindh province. We need at least security and protection. It is the prime responsibility of the government to provide us security”*. Another victim from KPK expressed, *“Yes we need protection. We shifted our home and left our business. I am in continuous fear of another unexpected incident”*.

The social needs of the interviewees were related to family and community needs. It was observed that 35.2% of the respondents reported their social needs. This fact is intrinsically relevant to the social structure of the society. The overall society in Pakistan believes in collectivism but some of the interviewees expressed their dissatisfaction over social networks and support structure in family and community. An interviewee said, *“People come, console and then go”*. Another interviewee expressed that community support was just restricted to moral support and nobody in the community supported the family in financial terms. It was also observed that 42.6% of interviewees reported their psychological needs. The psychological needs assessment is a complex issue because its degree and perception vary from individual to individual and depends on various factors. A mother (interviewee) who lost her son in a bomb blast in Karachi expressed, *“He died in this incident. He was 17 years old and abandoned his studies to financially support his sister and me. He was working in a tailor shop. After his death we are suffering. Depression and traumatic conditions permanently exist in our minds”*.

The responses of the interviewees about “other needs” remained positive. It was observed that only 17.4% of the interviewees reported other needs. Interviewees had their specific needs related to housing and education. Houses of many civilian victims got damaged because of acts of terrorism in FATA and mass movement posed critical challenges in the lives of victims. Similarly, terrorists attacked schools of female children in FATA, KPK and Balochistan. A fourteen years old victim (interviewee) who was a student of Grade-8 said, *“I*

*was near the main gate of my school and terrorists attacked our school with hand grenades. As a result of explosion I got severe injuries on my leg and my foot terribly got injured. I could not sleep many days after the incident and my school remained closed for many weeks. I do not know, why terrorists attack female schools?.*

It was observed that diversity, relativity and complexity were three major characteristics of interviewees' needs. Diversity of victims' needs refers to variety of challenges in economic, social and psychological fronts. All victims do not have the same needs and their feelings about those needs also differ. Relativity pertains to comparative perception of an individual with reference to his or her own particular needs. The victims' needs are combination of complex variables depending on the socio-economic environment of an individual, response of service providers and many other factors that make it a complex phenomenon. The victims' needs consist of a broad range of complex challenges in the financial, physical, social and psychological spheres that demand a comprehensive, planned and coordinated response of all institutions in the form of effective victim services. It can be handled only with a coordinated response by government, international organizations, local non-profit institutions, community and family.

### **Victim Services Analysis**

Victim services can be defined as a set of activities by various institutions after an incident of crime or terrorism for rehabilitation and recovery of a victim. Although, government being the main agency is always criticized for not adopting effective measures for the victims but it is a very restricted and narrow understanding of victim services. In this study, it was observed that six major sources exist for assistance to the victims of terrorism in Pakistan. The first important aspect of victim services was to analyze the support mechanism provided by the governmental organizations including local administration, police, health

agencies and other related networks. The second set of services was related to international humanitarian organizations. The assistance to the victims of terrorism in the country by local non-governmental organizations (NGOs) was also probed. The support by the local community and family members to the victims was identified as an important component of victim services system. There were number of sources of victim assistance other than identified sources and it was categorized as a single source for the purpose of analysis. It includes the support provided by friends, relatives or employers. This aspect of services varies from case to case basis depending on the socio-economic setting of the victim. The responses of interviewees on provided services were encoded to assess their frequency of reporting. It reflects the degree of assistance provided by various institutions to the respondents in this study. The identification of these sources is based on the discussion with interviewees. This aspect of study has implications for future policy recommendations. The summary of responses reported by the respondents about assistance provided by various institutions is given in Table 8.

Table: 8

*Victim Services Analysis at National Level*

Source of victim support	Frequency of reporting
Government	48.6%
International Agencies	7.6%
Non-government Organizations	6.2%
Local Community	28.5%
Family Members	74.1%
Other Sources	11.8%

Note. (n=230)

Out of all available sources, the support by family members constituted a main support system for the victims of terrorism in Pakistan. Seventy four percent of the interviewees stated that their family members provided assistance after an act of terrorism. The second most visible source of support system was provided by the government agencies. Less than half of the respondents (48.6%) had acknowledged the support by the government in one-way or the other. It majorly refers to financial and medical support of the government. Only 28.5% of the interviewees in the sample had endorsed the support provided by native community. The local community pertains to a tribe, caste, religious sect or group of people living in surroundings. It was also observed that 7.6 % of the interviewees had acknowledged the support of international organizations with positive response. Most of the humanitarian organizations had problems in reaching out the exact victims because of security issues. Only three respondents in the data stated that USAID provided food after the terrorist attack. Another interviewee told that the family was provided a cow by USAID. A great majority (92.4%) of the interviewees responded with negative feedback. It was also found that 6.2% of the interviewees admitted that a local non-governmental organization supported them. An interviewee told that *Al-Furqan Trust* in Peshawar provided financial compensation of Rupees 50,000 (US\$ 500). Another interviewee from *Quetta* told that *Naveed-e-Sahr Organization* provided them food after the bomb blast. Only 11.8% of the interviewees had acknowledged support by other sources. Some of the interviewees in this category claimed financial support from close friends. In certain cases, the employers provided financial compensation to the interviewees. An interviewee told that his son was killed in a bomb blast and family got financial support of Rs.30, 0000 (US\$30,000) from the organization.

The regional analysis of victim services presents mixed findings. There was a rationale to conduct the regional analysis of victim services. The capability of support networks in

regions was different in view of selective initiatives taken by respective provincial governments, imbalance economic growth and existing infrastructure. Moreover, it has policy implications for provincial governments to prioritize the areas where interviewees have low level of reporting. It also reflects the comparative performance of various institutions in respective regions. The summary of responses of interviewees for victim services provided by different sources in seven areas of Pakistan is given in table 9.

Table: 9

*Victim Services in Different Regions*

Area	Government	International Organizations	NGOs	Community	Family	Others <sup>a</sup>
FATA	62.5%	0	6.2%	43.7%	37.5%	5%
KPK	68.3%	38.3%	3.3%	35%	55%	6.6%
Balochistan	50%	1.6%	8.3%	8.3%	53.3%	5%
Sindh	20.9%	0	9.3%	11.5%	100%	30.2%
Punjab	62.1%	0	3.3%	3.5%	100%	11.5%
Gilgit Baltistan	66.6%	13.3%	13.3%	0	73.3%	13.3%
Islamabad	10%	0	0	100%	100%	0

Note. (n=230) <sup>a</sup> Others mean support from other than listed five sources

At regional levels, 68.3% of the respondents from *Khyber Pakhtun khawa* (KPK) province reported support from government agencies followed by respondents from Gilgit Baltistan (66.6%), Federally administrative Tribal Areas (62.5%), Punjab (62.1%), Balochistan (50%) and Sindh (20.9%). The lowest numbers of interviewees (10%) reported government support in Islamabad Capital Territory (ICT). It was because of the fact that all the interviewees from ICT

had encountered the most recent incidents of terrorism. Their feedback may be changed after dispensation of compensation that they had not received at the time of interviews. The respondents from KPK (38%), Gilgit Baltistan (13.3%) and Balochistan (1.6%) reported positive feedback for the support provided by the international organizations. But its ratio was very low as compared to other sources. Interviewees from four out of seven areas had not reported any support of international humanitarian organizations. It was transpired that non-governmental organizations provided limited services in view of low level of reporting by respondents. In Gilgit Baltistan, 13.3% of interviewees reported assistance provided by NGOs followed by interviewees from Balochistan (8.3%), FATA (6.2%), KPK (3.3%) and Punjab (3.3%). Out of all regions, maximum interviewees from Islamabad (100%) reported a positive feedback about community support followed by FATA (43.7%), KPK (35%), Sind (11.5%), Balochistan (8.3%) and Punjab (3.5%). The family support as already discussed was one of the main sources of victim services at national level. All the respondents from Punjab and Sind reported assistance from family sources. Interviewees from GB (55%), KPK (55%) and Balochistan (53.3%) reported family assistance in a middle range. The response of interviewees from FATA (37.5%) was comparatively low. The responses of interviewees for victim support from other sources in Sindh (30.2%) were better as compared to interviewees from Gilgit Baltistan (13.3%), Punjab (11.5%), Balochistan (5%), KPK (6.6%) and FATA (5%).

### **Victim Participation in Criminal Justice System**

Victim participation can be defined as a process of victim involvement at different stages of criminal justice process after an incident of crime to ensure justice. The level of participation of respondents in the formal criminal justice process was analyzed at four different stages at national and regional levels. The responses of interviewees regarding their participation at four stages of criminal justice process are given in table 10.

Table: 10

*Participation of Victims in Criminal Justice Process*

Source of Participation	Level of participation
First Responders	73%
Investigation	53%
Prosecution	23.9%
Judicial Proceedings	10.8%

Note. (n =230)

It was observed that level of participation of respondents dropped from one stage to another in the criminal justice process. The maximum level of participation (73%) was observed at the level of first responders of police and rescue services. It pertains to involvement of victims and their family in rescue operations and registration of police case. Only 53% of the interviewees had reported some degree of participation at investigation stage. In most of the cases, the investigating officers involved the respondents for oral account of the incident to reconstruct the crime scene and recording their statements. The victim participation at prosecution stage was reported low (23.9%). The participation of interviewees in sectarian cases at prosecution level was more as compared to other cases involved anonymous offenders. The least participation was observed at judicial stage. Only 10.8% of the respondents acknowledged their participation at judicial stage. This participation was restricted to recording of evidence in the court. On the question of participation, a victim (interviewee) said, *“First Information Report (FIR) was registered by the police as a routine. We do not know what happened afterwards”*. Another interviewee from Quetta said, *“I saw police only at crime scene when I was injured. After that nobody contacted me and I was relieved from hospital after some days”*.



The level of participation was further analyzed in different geographical locations to assess the trends in respective regions. It presents mixed variations. The interviewees from Balochistan, KPK and Gilgit Baltistan expressed better level of reporting on participation as compared to Islamabad, Sind, Punjab and FATA. The feedback of interviewees from FATA was zero because there was no proper police system in the area. Only *khasadar force* operates in the area under Political Agent (PA) in respective administrative agencies of FATA. The highest feedback of participation in investigation was reported in KPK province and Gilgit Baltistan as compared to Islamabad and FATA. About 20% decline in the level of participation was observed from the first stage to second tier of participation. The level of participation of respondents in prosecution process was further declined by 49.1% from the first step. The highest value of participation (73.3%) at prosecution stage was observed in Gilgit Baltistan simply because of the reason that most of the respondents in the region were victims of sectarian violence. The interviewees connected to sectarian groups participated in the prosecution process to enhance the conviction of offenders related to other sectarian group. Prosecution remained a branch within police organization till 2006. The Punjab Prosecution Act of 2006 created a separate branch of prosecution but still its role and functions are not specialized. The antiterrorism laws in Pakistan also refer to the appointment of special prosecutors but their role is correctional in nature. The lowest level of participation of interviewees in all categories in all regions was observed at judicial stage. This disconnect was established as level of participation declined by 62.1% from the first stage of criminal justice process. The value of participation in Gilgit Baltistan was again high as compared to other regions because of the reason already explained. Only 2.2% of the interviewees belonging to Sind and 2.8% of interviewees from Punjab formally participated in the judicial proceedings. The victim participation in the judicial process was very low because of less arrest of offenders and low conviction in cases pertaining to terrorism. It was reported that courts acquitted 75% of arrested suspects in terrorism cases in Punjab province from 1990 to

2011 (Kharal, 2011). The quality of participation at this stage is a matter of further enquiry whether interviewees were given an opportunity to explain the impact of their victimization to the court or not. There is no concept of victim impact statement in the judicial process of Pakistan. In few cases, interviewees were presented as witnesses for identification parade of offenders. The judicial system is also burdened with plenty of undecided cases because of procedural delays. In a study conducted by Foreman Christian College, Lahore, it was revealed that 1015 cases were pending in antiterrorism courts of Punjab Province in 2013, only 506 were adjudicated, 307 decisions leading to acquittal and 103 lead to conviction (Shaukat, 2014).

### **Information Services to Victims**

The provision of information to the victims in Pakistan was another area of study. Only 2.17% of the interviewees in the sample reported that they were provided information by different agencies. Only three out of fifteen respondents from Gilgit Baltistan and two out of ten interviewees in Islamabad reported positive feedback on provision of information. The absence of information had far reaching consequences for the interviewees and governmental organizations failed to inform interviewees about the referral system, status of their cases and even about their basic rights. A great majority of the interviewees were also unfamiliar about the status of their cases and sentencing of offenders. Only one in forty respondents had some information about the status of case. It was also observed that most of the respondents in this study were not aware of their information rights. Moreover, it was observed that state institutions do not have any elaborate standing operating procedures to provide information at various stages of criminal justice process. Each provincial police organization has specific section that is responsible to serve upon court notices but no system of information exists for information to victims regarding updating the status of their cases at different stages in the

criminal justice process. It was observed that provision of information to the victims was most neglected area in victim services system of Pakistan.

### Victim Protection

The sense of security and protection among the interviewees was also one of the important indicators to gauge the effectiveness of victim services in Pakistan. A majority of the interviewees (81%) reported that they feel themselves insecure. The sense of insecurity was reported more in FATA (93.8%) and Balochistan (93.4%) as compared to other regions. It was observed that fear, anger and insecurity were three main responses expressed by interviewees with negative feedback. A 39-years old interviewee from Islamabad lost his father in an explosion at fruit and vegetable market expressed his anger for inability of the government to provide adequate security. He said, “*No, we do not need security because we believe that government cannot provide it*”. The summary of interviewees’ responses regarding protection is given in table 11.

Table: 11

#### *Victims’ Feedback on Protection*

Region	Reported insecurity
FATA	93.8%
KPK	75% <sup>0</sup>
Balochistan	93.4%
Sindh	76.8%
Punjab	73.4%
Gilgit Baltistan	66.7%
Islamabad	90%
Pakistan (Average)	81.3%

Note. (n=230)

### Social Acknowledgement and Victim Trust

Social acknowledgement of victims was another indicator of effective victim services system. It refers to acknowledgement of a victim as a person by identification of his or her losses and rights through media representations, involvement in decision-making and participation in rehabilitation process. It has also a significant therapeutic value in healing the trauma for early recovery of the victims. The feedback of respondents regarding social acknowledgement and trust presents mixed results given in Table 12.

Table: 12

#### *Social Acknowledgement and Victim Trust*

Region	Social acknowledgement	Level of trust
FATA	6.2%	25%
KPK	23.3%	71%
Balochistan	45%	20%
Sindh	6.9%	2.3%
Punjab	34.6%	26.9%
Gilgit Baltistan	40%	80%
Islamabad	70%	70%
Pakistan (Average)	32.3%	42.1%

Note. (n=230)

About one in three (32.3%) of the interviewees considered that their sacrifice was acknowledged by state and society. It was further observed that 42.1% of respondents expressed their trust in government institutions. Their level of trust is based on their experiences with government agencies and service providers. These two variables were

observed to assess the overall level of satisfaction of victims with reference to provided services. The low level of social acknowledgement was observed in FATA (6.2%) and Sindh province (6.9%) as compared to Islamabad (70%), Balochistan (45%) and Gilgit Baltistan (40%). Respondents from Sind reported the lowest level of trust. Only 2.3% of the interviewees from Sind expressed their trust in state institutions. It was the reflection of inadequate policies of the government and lack of effective development program of victim services.

### **Victim Satisfaction**

The feedback of the respondents on their level of satisfaction was also identified another indicator of an effective victim services system. The respondents were asked to share their satisfaction with reference to financial compensation, medical services, degree of their participation in criminal justice process, protection and information services by all service providers. The respondents that had provided positive feedback regarding provision of services were treated as a sub-group within the sample. It was observed that 96 out of 230 respondents reported that they were provided financial compensation but 41.6% of this group of respondents expressed their satisfaction. It was observed that reported satisfaction level for provision of medical services was better as compared to participation and protection. It was observed that 114 respondents were provided with medical services and 66.6% of these respondents were found satisfied. The number of respondents that reported satisfaction for participation and protection services was quite low. Only 2.1% respondents were provided information and all reported their satisfaction but its findings are limited in view of extremely small number of respondents. There were many factors for reporting dissatisfaction in both quantitative and qualitative terms. The dissatisfaction over financial compensation is more quantitative whereas aspects related to medical services and other areas are qualitative in

nature. It reflects the overall position of victims on provision of victim services after an act of terrorism. The frequency of reporting satisfaction on provided services is given in Table 13

Table: 13

*Victim Satisfaction on Victim Services*

Category	Victims provided services	Victims satisfied	Level of satisfaction
Monetary Compensation	96	40	41.6%
Medical Services	114	76	66.6%
Participation	92	15	16.3%
Protection	43	8	18.6%

(n=230)

**Victim Services for Law Enforcement Officials**

The law enforcement officials constituted the second largest group of interviewees followed by civilian victims of terrorism in Pakistan. The country has an elaborate security apparatus (See Appendix-D). The provision of victim services for law enforcement officials is the responsibility of federal and provincial governments in view of area of jurisdiction of the organization. Total 65 respondents belonging to law enforcement agencies (LEAs) and 165 from civilian population participated in this study. The participation of respondents from LEAs was also random. They primarily belonged to police organizations of respective regions. The majority of the interviewees (70.7%) in LEAs category were the direct victims that were physically injured by acts of terrorism. There were two basic reasons of treating respondents from LEAs as a distinct group of victims in this study. First, the system of compensation and other services was observed different from that of civilian victims. It was important to testify

this proposition on the basis of empirical grounds. Second, it was important to assess variations in the victim needs and provision of services for victims belonging to LEAs and that of civilian population. Prior to comparative analysis in variations of responses on victim needs and services, the demographic characteristics of respondents in these two categories were also analyzed. The purpose of this analysis was to gain insight in possible difference in demographic characteristics that might be relevant to victims' responses on their needs. The Chi-square test on demographic characteristics was conducted and its results are given in Table 14.

Table 14

*Chi-Square Tests on Demographic Characteristics*

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	190.342 <sup>a</sup>	8	.000
Likelihood Ratio	201.470	8	.000
N of Valid Cases	1163		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 5.19.

The chi-square test indicated significant differences ( $p < 0.05$ ) in the demographic characteristics of both groups of respondents. Inspection of the separate demographic characteristics revealed statistical significance existed in various categories. The value of adjusted residuals (+1.96 or -1.96) in each category indicates significance.

Civilian and LEA victims reported several significant differences in their demographic characteristics. It was observed that significant differences in financial income exist between both groups of respondents: LEA victims have a significantly higher income than civilian victims. Civilian victims more often live in urban areas than LEA victims and are significantly

less likely to be married. In addition, a significantly larger proportion of civilian victims reported to be Sunni in comparison with LEA victims.

The facts related to their demographic characteristics in both groups of respondents are given in Table 15.

Table: 15

*Demographic Characteristics of Civilians and LEAs Victims*

Demographic Indicator	Civilian Victims	LEAs Victims	Adjusted Residuals
Average Age (Years)	32.6	33.4	- 1.1
Average Dependents	7	5	0.1
Average Income (US\$)	125	270	- 12.4
Urban Living	123	47	4.4
Rural Living	42	18	1.3
Married	82	57	0.6
Unmarried	83	8	6.9
Sunni Sect	138	50	5.0
Shia Sect	27	15	1.0

Note. Civilian victims (n=165), LEAs Victims (n=65)

In this study, a comparative analysis of responses related to victims' needs and provided services were conducted to test the hypothesis whether there is any variation in reported needs and provided services in both groups of respondents. Chi-square tests were conducted to assess variations of responses in both categories of respondents related to their needs. The findings of the chi-square tests on victim needs are given in Table 16.



Table 16

*Chi-Square Tests on Victim Needs*

	Value	df	Asymp. Sig. (2-sided)	Cramer's V
Pearson Chi-Square	14.090 <sup>a</sup>	5	.015	0.144
Likelihood Ratio	14.495	5	.013	
N of Valid Cases	684			

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 11.82.

The above table shows a significant variation ( $p < 0.05$ ) between responses of the two groups with respect to their needs. The value of Cramer's V (0.14) indicates that the effect size was medium. The effect size is considered medium if  $V = 0.13$  with  $df = 5$  (Zaiontz, 2017). During comparative analysis on victim needs in both groups of respondents, it was observed that the level of reporting in civilian interviewees about financial needs was higher as compared to respondents from Law Enforcement Agencies. Considering the significant difference that exists between the two groups in income (Table 15), it is no surprise that civilian victims report higher financial needs. However, the difference in financial needs between the two victim groups was not significant. The level of reporting on medical needs was, on the other hand, comparatively less among civilian victims as compared to interviewees related to law enforcement category. Out of all respondents from LEAs, 69.2% of the respondents reported their medical needs as compared to 51.5% of civilian respondents. It may have one explanation that number of direct victims in law enforcement category was more as compared to civilian victims. With regard to social needs, a significantly larger proportion of civilian victims reported to have these needs than LEA victims. On the issue of protection, frequency of reporting by respondents from civilian population (51.7%) was more as compared to that of

respondents belonging to LEAs (43.07%), but this difference was not statistically significant. The comparative assessment of responses related to needs in both categories of interviewees is given in table 17.

Table: 17  
*Comparative Assessment of Reported Victim Needs*

Type of Need	Civilian victims	LEAs victims	Adjusted Residuals
Financial Needs	94.4%	76.9%	0.3
Medical Needs	51.5%	69.2%	- 2.8
Protection Needs	51.7%	43.07%	0.1
Social Needs	44.4%	20%	2.3
Psychological Needs	44.5%	44.6%	0.8
Other Needs	24.04%	10.7%	1.7

Note. Civilian victims (n=165), LEAs Victims (n=65)

After conducting comparative analysis of the responses related to victims' needs, it was important to have comparison of their responses related to victim services. In order to gauge the overall variations in responses on victim services between both groups of respondents, chi-square tests were conducted. The results of the chi-square tests are given in table 18.

Table 18  
*Chi-Square Tests on Victim Services*

	Value	df	Asymp. Sig. (2-sided)	Cramer's V
Pearson Chi-Square	20.853 <sup>a</sup>	5	.001	0.227
Likelihood Ratio	20.842	5	.001	
N of Valid Cases	403			

a. 1 cells (8.3%) have expected count less than 5. The minimum expected count is 4.94.

The statistical result ( $p < 0.05$ ) shows that the responses on victim services between the two groups vary significantly. The Cramer's V (0.22) indicates that level of effect size was large. The effect size is considered large if  $V = 0.23$  with  $df = 5$  (Zaiontz, 2017). The data analysis supports the hypothesis that significant variations exist between the responses of interviewees from both groups belonging to Law Enforcement Agencies and that of civilian population. It was observed that 66.1% respondents from LEAs reported government assistance as compared to 31.1% of civilian respondents. It provided evidence that government significantly more often supported interviewees belonging to LEAs than civilian victims. The responses of respondents regarding the role of international bodies present different results. Although the differences are not statistically significant, it is noteworthy that 10.6% of respondents from the civilian population expressed their positive response on services provided by international bodies against 4.6% of respondents belonging to LEAs. Similarly, 9.3% of interviewees from civilian population provided positive feedback on support of non-governmental organizations against 3.07% in law enforcement victims. In addition, a significantly larger proportion of civilian victims reported community support as compared to LEA victims.

The difference in responses of both categories of respondents reflects a lack of uniformity in provided services by various institutions. In view of the results, it can be assessed that the government support for respondents belonging to LEAs was better but the international bodies, local non-governmental organizations and local community provided more services to civilian population as compared to the respondents from LEAs. The comparison of responses on victim services by respondents in both categories of interviewees is given in Table 19.

Table: 19  
*Comparative Assessment of Victim Services*

Source of services	Civilian Victims	LEA Victims	Adjusted Residuals
Government Support	31.1%	66.1%	- 4.1
International Bodies	10.6%	4.6%	1.4
Non-Governmental Organizations	9.3%	3.07%	1.6
Community Support	35.5%	21.5%	2.0
Family Support	74.4%	73.8%	0.4
Other Support	12.9%	10.7%	0.2

Note. Civilian victims (n=165), LEAs victims (n= 65),

The above given results also indicate that responses of both groups vary significantly in connection with government support. Similarly, their responses also vary for support provided by the community.

### **Victim Narratives**

Some real stories of actual victims (interviewees) were selected for in-depth understanding of their issues and challenges. The inside stories of interviewees have been discussed with reference to their conditions and situation of victim services. Baxter and Jack (2008) have analyzed that case study approach of early theorists is based on *constructivist paradigm* that believes in the relative nature of truth and it depends on the perception of an individual to identify truth (p.545). The perspective of the interviewees in real life situations is one of the most effective tools to identify the effectiveness and suitability of services for them.

One of the interviewees stated, “On 18th June 2013, I went to Shergarh, Mardan to attend a funeral. A suicide bomber attacked the funeral as a result of which I received severe

*injuries. The people took me to a hospital in a private vehicle. About 50 persons were dead and 80 got injured in the incident.*” The 45 years old direct victim of the incident was resident of district *Mardan* in KPK Province of Pakistan. By profession, he was a taxi driver with an average income of Rs. 8000 (US\$80) per month. He had eight dependents in the family to look after. He suffered multiple fractures at five points on his right leg. He got handicapped by this incident and lost his job because of illness. On account of victim services, the interviewee expressed his response in the following words.

*“First of all I need better treatment that government could not provide. I started my private treatment that cost a lot. I need financial help and I am the only person who earns for my family of eight members. After being disabled, I am unable to perform any work and need an employment”.* The government provided him Rs.100,000 (US\$1000) as one time compensation. US Agency for International Development (USAID) also provided compensation of Rs.200,000 (\$2000) and two cows to the family. Initially, he was given medical treatment in the government hospital but he was not satisfied and shifted to a private hospital. According to him, there were no proper facilities in the government hospital and also shortage of expert doctors. The medical staff members were unable to provide proper attention because of a large number of patients in the hospital. On the initial day of incident, many victims with critical injuries were succumbed to death. The whole family remained in intense traumatic conditions for many days. There was nobody to earn and feed his children. The criminal case of the incident was registered in the local police station but the interviewee had no idea about the outcome of the case. He was neither called by the local police nor kept informed. The culprit was also killed in the suicide attack; hence there was no evidence to trace the people who actually planned it. The spokesman of Tahreek-e-Taliban Pakistan (TTP) also took the responsibility of the incident. The member of provincial assembly, Imran Mahmood

was also killed in this incident along with other people. The patterns of incidents of terrorism reflect that terrorists attacked the public gatherings. Mostly, public meetings of peace committees, Friday and Eid prayers, cinema halls, public markets and funeral ceremonies were attacked in Pakistan. The collateral damage at the place of religious ceremony was reportedly more as compared to markets because people stand shoulder to shoulder to offer prayer. The interviewee could not recover even after the medical treatment of one year. He became handicapped for the rest of his life. Pakistan Institute of Prosthetics and Orthotic Sciences (PIPOS), Hayatabad, Peshawar claimed that they had provided artificial limbs to victims of terrorism but the actual demand was far more than the help provided (Ali, 2013). *Fauji Foundation* has established its Artificial Limbs Center at Rawalpindi. It has provided 7500 artificial limbs per year in collaboration with International Committee of Red Cross but its major beneficiaries were ex-servicemen (“Artificial Limbs Center”, n.d.). Most of civilian victims lack information and guidance about the existing facilities for provision of long-term medical facilities. The situation in small towns was more challenging because of abject poverty and lack of facilities. The victims are resorted to traditional medical quacks that do not have even formal degree in medical sciences. Because of this state of affairs, the victim (interviewee) expressed his grievances in the following words.

*“I have no trust in government. A lot of people have been disabled like me and they have nothing to do in their lives. No one came to look after them to provide proper medical treatment and financial help. What is the responsibility of State?”*

An interviewee from Hazara community in Balochistan also narrated his story of victimization. *“On 20-09-2011, while travelling in Shalimar Coach Service, Hazara Town from Tuftan to Iran, we were intercepted by some unknown terrorists. All the passengers belonging to Hazara (Shia) community were taken out of the bus and killed them. My son, who was going in search*

of a job in Iran, was also killed. The responsibility of the incident was owned by *Lashkar-e-Jhangvi*". The indirect victim lost his 19-years old son because of his sectarian orientation. He was Shia by faith and belonged to Hazara community of Balochistan province in Pakistan. By profession, he was a laborer and because of abject poverty asked his son to seek a job in Iran. The incident happened on the way as the bus was stopped on the highway in district *Mustung*. The terrorists asked for the identification of all passengers and left some people of Sunni origin but killed all the Shia passengers on spot. They killed 26 people within ten minutes by their AK 47 guns. There was nobody to help the victims as reported by the interviewee. After a long time, the local police reached at crime scene and people of the area recovered the dead bodies. It was not the last attack on the Shia population in Balochistan. Militants time and again targeted their religious gatherings and their homes in Hazara town in Quetta. Most of the militants belong to *Wahabi* version of Islam and target Shias because they considered them non-Muslims. The victim families launched sit-in protests by laying the dead bodies on the road and the provincial government tried to pacify the victims by the announcement of compensation. The interviewee considered such acts of terrorism as genocide of *Hazaras* in Balochistan. They are not only victimized in Pakistan but also in Afghanistan. The Hazara Democratic Party, Hazara Organization for Peace and Equality (HOPE), Hazara People International Network and many other organizations are working for the cause of Shia victims belonging to Hazara community but their efforts are not successful without the support of government. The Shia killing in Hazara community in Balochistan presents a story of mass killing. The victims have been traumatized from generation to generation. The sense of distrust among the victim families was at its peak. Some of them have migrated to other places but a large number of victims do not have choice and resources. A criminal case was registered in the police station of *Mustung* district but the interviewee was not informed about the investigation. The militant group of Punjab origin *Jashkar-e-Jangvi* took the responsibility of the incident but

the government took no action against the religious outfit. Most of the previous terrorist attacks against the Hazara Shias in Balochistan were also undertaken by the same organization. The community created their own scouts to protect the area by establishing barricades. Police officials belonging to the same sect were also deployed. The unwarranted remarks of the then chief Minister, Aslam Riasani about this incident ignited anger and distrust among the victims. In a press conference he said, “*Of the millions who live in Balochistan, 40 dead in Mastung is not a big deal*” (Human Rights Watch, 2014).

One of the interviewees from Abbas Town, Karachi also narrated her story. “*A bomb exploded and the building fell down. My daughter died in this incident and other family members got injured. My house was completely destroyed*”. On March 3, 2013, an incident took place in twin buildings of *Iqra Flats* and *Rabia Flowers* in Abbas town of Karachi in the province of Sind. More than 48 people were killed and 144 got injured as a result of two blasts. A vehicle with 150 kilograms of explosives crashed into the building that destroyed 200 houses and 150 shops in the area. Among other victims, a mother lost her seventeen years old young daughter. The family consisted of eight members and all were present in the house. Suddenly, a bomb exploded as a result of which the whole building collapsed. Her daughter was in her room and roof of the building fell on her. Other children were also critically injured. The buildings also caught fire and there was nobody to rescue. Everybody tried to come out of the building leaving the dead and injured behind. Mostly women and children were among the dead. It took two days for the identification of her daughter. The police and rescue workers were not allowed by the local people to reach at the spot because of extreme anger and trauma within community. Few people resorted to areal firing. Most of the people accused the government and police for its failure to provide adequate security. They were targeted because of their religious faith. Almost all residents belonged to *Shia* sect. In the absence of any government support, some injured were taken to hospitals in private vehicles and few



ambulances of social work organizations also reached at the spot. Many families lost more than one member and some of body parts were recovered even after one week of the incident. There was no shelter and food for the victim families. No political representative and high-ranking government official reached at the scene because of fear of public anger. The chief Minister of the province announced compensation of Rs 15,00,000 (US\$15000) for each bereaved family who lost a family member and Rs 10,00,000 (\$ 10,000) for injured victim. The interviewee also got the compensation amount but her house was not repaired as the building was completely damaged. The government hired a contractor to repair the existing buildings. The other children of the victim were recovered from injuries after six months. They were treated in a public hospital. Apart from government compensation, few other unknown people financially helped her. The concept of giving money in the name of Allah (*Kharait*) is a supportive factor in the community. People of locality had a fear of another attack. *Haidri Scouts*, the youth organization of Shia community provided the initial security. Some interviewees also reported incidents of theft as they lost their ornaments and valuables after the incident. A criminal case was registered in the local Police station but interviewee did not participate in the process of investigation. They were also not kept informed about the progress of the case. Police claimed that five Taliban of Punjabi origins were arrested but most of the victims had no trust in this claim.

Another interviewee from Punjab narrated his story of victimization in a terrorist attack on the holy shrine in Lahore in these words. *"I went to Data Darbar (shrine) along with my young brother. Suddenly a bomb exploded. All mirrors and windows were broken. I started searching my brother but could not find him. Later on, I came to know that my brother passed away in the incident and we received his dead body"*. The victim lost his young brother in a blast at a holy shrine in the capital city of Lahore in the province of Punjab. Two suicide

bombers entered into the building and attacked the people on July 1, 2010. Two blasts occurred; one in the courtyard and other in basement that killed 50 people and 200 got injured. Most of the victims were visitors from different cities of the province. It is a burial place of a *suffi* saint Syed Ali Hijwairi and mostly people belonging to *Ahle-Sunnat Wal-Jamat* visit the shrine to pay homage. The militants consider this practice of visiting shrines against the true interpretation of Islam. *Taliban* targeted the shrines across the country because of their theological difference. Most of the homeless people also stay at the shrine as they get free food and space to sleep. The number of visitors increases on every Thursday night because of religious significance. The incident happened at around 10 pm. After the incident, people took dead bodies and injured to the Mayo hospital. A large contingent of police arrived at the spot but victims' family members pelted stone at police officials and considered the incident as a failure of police to provide protection to the visitors at the shrine. About 300 police officials were already deployed in three shifts but terrorists repeatedly attacked this holy shrine. The victim was provided compensation of Rs.500, 000 (US\$5000). Both brothers were running a shop and family business was affected after the death of one brother. The relatives and community members provided the moral support but nobody was there for financial support. The local politicians also visited the family and promised employment to one family member but later on the promise was not fulfilled. The police also registered the case of the incident but the interviewee was not involved in the process of investigation. The Chief Minister took report from Capital City Police Officer (CCPO) but the principal accused in this case was not arrested. The government often creates Joint Investigation Team (JIT) consisting of investigators from all law enforcement agencies for the investigation of an act of terrorism but most of such cases become *cold cases*. The mother and sister of the victim remained in trauma for many days. The only support of the family was spiritual. They considered the victim as *martyr* as he was killed at a holy shrine. The belief of martyrdom was observed as healing factor in the process of

rehabilitation. The victim had distrust on the role of government for not providing protection, proper medical treatment and adequate financial help. He expressed his grievances in the following words.

*“Government should stop terrorism at any cost and make arrangements for the affected family members, provide them jobs so that they can try to forget their problems and live a better life”.*

Another interviewee who was member of police force in Lahore narrated his story. It provides an insight into the unique circumstances of victimization at work places of law enforcement officials. It also enables us to understand the system of victim services provided to the members of law enforcement agencies. He narrated the incident in the these words, *“I was performing my duty at police central control room (Rescue-15 office) in Lahore when a vehicle arrived at the gate and some unknown terrorists started firing. I fell down on the ground and in the meanwhile a hand grenade was also thrown. Later on a big explosion occurred and the building collapsed. I remained under a heap of debris for more than 30 minutes. Someone from public helped me and took me to the services hospital”.* On May 27, 2009 five terrorists in a white Hiace Van stormed into the building of central control room office. Two attackers threw hand grenades, two of them started firing and the driver struck the vehicle against the main gate. After breaking the main barricade, the van entered into the compound and then a big explosion occurred that destroyed two-story building. Reportedly, 50 police officials were present at the time of blast. The building was not the only target. It was an adjoining building to the provincial headquarters of Inter-services Intelligence (ISI) and office of Capital City Police Officer. As a result of blast, 26 people including one colonel of ISI and 15 police officials were killed and several got injured. The victim (interviewee) was also performing his duty at the office of Rescue 15. Four bullets hit his body and his artery was cut into six pieces. His one kidney also got damaged. After the incident, he had a surgical operation for eleven hours and

remained in Intensive Care Unit (ICU) for six days. It took two years to live a normal life. He was married with two kids. The pay of the victim continued and he took his treatment from public hospital. The victim got compensation of Rs. 300,000 (US\$3000) after the hectic efforts of eight months and he even gave bribe of Rs.40000 (\$400) to a clerk in the office of Inspector General of Police, Punjab to receive the cheque. No senior police officer visited his home to inquire about his problems. The victim had a heavy heart in expressing his story, as his sacrifice was not acknowledged by anyone. The relatives provided moral support and sometimes took him to the hospital for medical check-up. Being a police official, he had knowledge about the investigation of the case. Three of the terrorists were killed at the time of incident and police also arrested remaining two accused. Both the accused confessed the offence and had links with Tahreek-e-Taliban Pakistan (TTP) and attack was done in reaction to army operation against the militants in Swat district of KPK Province. Another suicide terrorist attack was carried out at the Rescue-15 building in Islamabad just after ten days of the previous attack in which two police officials were again killed.

An interviewee from Gilgit Baltistan also disclosed his story of victimization. *“On 03-04-2012 my brother went to see a public protest at Itehad Chowk in Gilgit. The Ahl-e- Sunant Wal Jamaat called the protest. Suddenly a person attacked with hand grenades as a result of which many died and several injured. My bother got injured and then died in the hospital”*. The incident took place in capital city of Gilgit Baltistan area in which six people died and 52 people got injured. The people of Gilgit Baltistan had witnessed sectarian killings since long. The population is divided into Shia and Sunni to an extreme level. A Sunni organization launched a protest against the government because the local police confiscated some of the vehicles being run on sectarian basis. Sunnis and Shias run separate transport systems and even separate routes for both sects were earmarked. The administration took an action against such

transporters but their religious organizations launched a protest against the government action. During this protest, an accused from Shia community attacked the protesters and killed many people. Later on, the police arrested the accused. As a reaction to this incident, Sunnis blocked the road in district *Chilas* and stopped the buses and killed 10 Shias after their identification. Some of them were shot dead and some were stoned to death. In reaction to *Chilas* incident, 20 Sunnis were kidnapped in *Nagar Valley*. The incidents of indiscriminate firing continued the whole day from both parties and many innocent people were also killed. A young boy was killed while standing in front of his home in indiscriminate firing. He was selected in Pakistan Army at that day and came to his home for celebrating his achievement. The sectarian divide in police and other law enforcement agencies is also at extreme level. Police is reportedly divided into two sects to an extent that Shia and Sunni police officials live in separate barracks in the same police station.

An interviewee from Islamabad lost her daughter in the terrorist attack on the district courts also described her story. *“My young daughter joined the Islamabad Bar after completion of her studies in law from United Kingdom. On March 3, 2014 terrorists attacked the district courts and 14 people including lawyers and a judge were killed in the incident. She was also present in the court. We lost our brilliant daughter at the hands of these terrorists. She was killed for no reason”*. The incident took place in the district courts of Islamabad, capital city of Pakistan. Six terrorists with hand grenades, Ak-47 guns stormed into the court premises in the morning. Two of them had suicidal vests. They started random firing at the lawyers and other visitors. One of the suicide attackers blew himself in front of the courtroom of district judge, Razaqat Ali. Eleven people were killed at spot and three other succumbed to injuries. Twenty-four people were critically injured in this incident. A splinter terrorist group *Ahrarul Hind* took the responsibility. Tahreek-e-Taliban Pakistan (TTP) denied their involvement in this incident

as a ceasefire agreement between TTP and the government was undertaken at that time. The spokesman of this new militant organization *Ahrarul Hind* said that courts were targeted because Islamic laws were not being observed. Official sources claimed that the court of district judge was targeted because he had rejected the appeal to charge ex-President Musharraf for killing religious students in *Red Mosque* incident. The interviewee was a mother who lost her 23 years old daughter in this act of terrorism. She joined the profession just two months before the incident. A bullet hit her body and shifted to the hospital but died after some hours. One of her colleagues informed the family. She was brought to the hospital in a private vehicle and was not provided medical first aid well in time. Although, she was treated in the hospital but she could not survive because of excessive bleeding. The police registered the case of this incident and only once investigation officer came to record the statement. The family was not aware of progress of the case. Some victims considered it useless to peruse their cases as they thought that police and courts could not provide justice to them. In this case, Pakistan Bar Association launched nationwide protests and observed one day strike but no tangible result was achieved. Two suicide attackers were killed in the incident but the rest of offenders absconded. The police conducted a search operation but there was no trace of the terrorists. The victim family was also not willing to take any financial support from government. The colleagues of the victim supported the family but it was for some initial days. The case of this victim was also highlighted in the media. The family members were in trauma and lost faith in the system. The mother of the deceased thinks that legal and psychological services for the family members of the victims are required to be introduced in the country. The family of victim needed help at each stage and there was nobody to provide them assistance. The interviewee described that faith in Allah is the only source of resilience for the family.

The story of another interviewee presents a unique context of victimization and abuse of power in Federally Administrative Tribal Areas (FATA) of Pakistan. *“On 25th January 2014, the vehicle of Law Enforcement Agency was attacked with a remote control bomb by some unknown people in which many soldiers were killed and injured. The incident took place near Khajuri Check Post on the main road from Bannu to North Waziristan Agency in FATA. Retaliating to this incident, officials attacked the hotel and killed the employees and some guests at the hotel. My father was one of them who were killed by law enforcement Officials”.*

The case was related to a male victim who was resident of rural area of Mir Ali of North Waziristan Agency of Federally Administrative Tribal Area of Pakistan. He lost his father not at the hands of declared terrorists but security officials. Impersonality and indiscriminate use of violence are salient characteristics that constitute terrorism in both victim and offender perspectives. The victim (interviewee) was 38 years old and had six dependents to look after. The family had established a small hotel that was also destroyed in this incident. He was not treated as a victim and no compensation was given to the family despite of human and financial losses. Such victims of collateral damage as a result of antiterrorism operations face identity crisis. After this incident, family members collected money and provided to the victim for funeral and other expenses. In view of the socio-cultural affiliations, the community members used to visit the family for initial forty days. It also adds to the financial burden of the victim’s family. After two months, the uncle of the victim who was working as truck driver in Dubai took him there for work but there was no male member in the family back home. There was no criminal proceeding in this case simply because of absence of any formal legal system in the area. Secondly, nobody was willing to support their case, as law enforcement officials were involved in this killing. There is no exact count of people who were killed in counter terrorism operations in Pakistan especially in the federally administrative tribal areas. Such individuals are not reflected in the death count of government data. The independent think tanks or

researchers do not have access to such victims. At the same time, there is hesitation on part of such victims and do not want to share inside story because of fear. The international norms have time and again reiterated that misuse of power in antiterrorism is a factor to spread terrorism (Global Counterterrorism Policy, 2006). At the same time, the law enforcement agencies loose the support of local community that is one of the important tools to fight against the militants. The interviewee also responded to this aspect. He said, *“If government does such things, then who can expect support from the local people. No one listen to our voice, no one to give us justice.”* Militants had also killed many people in the area if they come to know about any relation with armed forces or any law enforcement agency. Some of them were killed being suspected of spying for law enforcement agencies. In this way, civilians become both random and selected targets by militants and armed forces in FATA. The social, financial and psychological needs of the victim were not fulfilled as explained by him. On account of protection needs, the victim’s response was quite explicit. He said, *“I don’t think we need protection. Who can protect us from our own law enforcers?”* It was observed that sense of denial of justice was more traumatic for the victim.

### **Discussion**

This section is designed to give a framework to collaborate the evidence collected through interviews to the existing efforts for victim services by the concerned stakeholders. It will give further clarity to identify the gaps, issues and challenges in the provision of victim services. As evident from the primary data, the financial needs were the most pressing needs of the interviewees of terrorism in the country. Pakistan received the financial aid of approximately \$19 billion from 2001 to 2010 (Center for Global Development, 2014). After Enhanced Partnership with Pakistan Act of 2009 also called as *Kerry-Lugar-Berman Bill*, the Obama administration committed \$7.5 billion aid to Pakistan over five years (FY2010 to



FY2014) and 75% of this aid was invested for military assistance in war on terror (CGD, 2014). After the killing of Osama Bin Laden, the relations between these countries got tense and US government then again released \$1.6 billion to improve the relationship (Simpson, 2013). As per Quarterly Progress and Oversight Progress on Civilian Assistance Program Report (2013) of US Department of State, it was estimated that \$3.98 billion (FY 2010 to FY 2013) was obligated for civilian assistance (Carroll, Geisel & Halbrooks, 2013). The country had also a long history of taking loans from international financial institutions (International Monetary Fund, 2013). The government of Pakistan established a special fund for the victims of terrorism on May 11, 2009 (State Bank of Pakistan, 2009). The expatriates living in different countries including United States were asked to donate money through cheque or to send at least \$5 through texting in this fund (Pakistan Embassy in USA, 2014-15). Despite the unprecedented flow of financial aid to Pakistan, the government could not adopt better measures for the victims of terrorism. Many interviewees in the data acknowledged the financial compensation but noticeable gaps exist in demand and supply. Moreover, it was observed through direct interaction with interviewees that transparency in the provision of financial assistance remained an outstanding issue from top to bottom tiers of governance.

It was repeatedly reiterated by respondents that they would get justice from *Allah* (God). It was observed that religion was the most dominating healing force in the lives of victims. The militants also derive their motivation from religious ideas embedded with political ambitions. It was difficult to assess the religious impact on the healing process but formal utilization of religious institutions like mosque as a component of victim support policy was not observed in any part of the country. Many victim support organizations in Pakistan have religious motivation to help victims and their families. The *Shaheed Foundation, Pakistan*, a Shia based organization helped the victims belonging to Shia sect in Karachi and other parts of

the country (Shaheed Foundation, 2015). Similarly, *Jafaria Disaster Management Cell* (JDMC) provided help to the victims of *Shia* origin. *Al-Kidmat Foundation*, a charitable organization of a politico-religious party *Jamat-i-Islami* in Pakistan also worked for humanitarian assistance to the victims in different parts of the country. It is important to highlight that few banned religious organizations had also established their charity wings and they exploited the cause of genuine victims of terrorism. *Al-Rashid Trust* (1996) and many other religious organizations exploited the notion of victimhood and indirectly served the political ambitions of militants (“Mapping militant organizations”, n.d.) Most of these religious organizations collected money through different fund raising mechanisms especially on the religious festivals. The main responsibility of formal victim services rests with the state institutions. The state response in view of interviewees’ feedback lacks in proper planning. A periodic emphasis on this specific issue was realized through the governmental actions but most of the efforts were restricted to monetary help rather than a holistic approach to the multiple challenges faced by the interviewees. The federal government of Pakistan issued the most recent Payment of Compensation Rules, 2014 regarding a financial package for the families of victims of terrorism. But this financial package was only restricted to the employees of federal law enforcement agencies. The rules are applicable only to the officials of Federal Investigation Agency (FIA), Rangers, Islamabad Capital Police, Frontier Corpse, Cost Guards and Gilgit Baltistan Scouts. It increased financial assistance by almost four folds in different official scales, monthly stipend for maximum four children, free medical for spouse and children, retention of official residence and an allotment of plot in Federal Government Employees Housing Society (Government of Pakistan, 2014). For Basic Pay Scale (BPS) 1-16, compensation amount increased from Rupees 0.5 million to 3 million, from Rupees one million to 5 million for officers (17-19 grade) and for senior officers of BPS 20 to 22, the compensation amount increased from 1.5 million to 10 million. The education stipend also varies in view of

the level of education. Rs.2500 per month for a child with primary education, Rs. 4000 for matriculations and Rs. 5000 for graduation and above has been announced (Kharal, 2014). Similarly, other provincial governments had increased the compensation packages for law enforcement officials. Only the governments of Balochistan and Punjab have passed laws of compensation for the civilian victims of terrorism in which compensation of Rs. one million was announced (Annexure-F). It was observed that 62.5% of the interviewees from FATA reported support by the government. It was also established after checking the official record of FATA Secretariat that a reasonable amount of compensation to the civilian interviewees was given in FATA. The official record reflects Rs. 30,000,00 (US \$30,000) was provided to civilian victim but this amount was primarily appropriated through US Aid program in FATA (FATA Secretariat, 2013). A separate wing in the FATA secretariat was devoted to relief and rehabilitation of victims of terrorism. The office of Political Agent (PA) in the respective agency is responsible for the data maintenance and provision of compensation. The community support provided the third important source of support network for the interviewees of terrorism in Pakistan as established by the primary data. It depends on the ethnic orientation of the victim and then sub-clan or tribe of the victim. The maximum response was observed in FATA and KPK but low in Balochistan and other areas. Despite the fact that maximum number of community or ethnic organizations exist in Balochistan but very few organizations within the province supported the victims of terrorism. The only example can only be traced from *Hazara tribe* where the community arranged for the funeral and other expenses after an act of terrorism. The lowest level of reporting by respondents (6.2%) was observed regarding victim services provided by the non-governmental organizations in respective regions. It was estimated that 56000 non-governmental organizations work in Pakistan and 38% of which were not registered under any law ("NGO Law Monitor: Pakistan", 2013). About 92% of the USAID projects in Pakistan were allocated to US based non-governmental organizations (Cheema,

2010). The support by most of the local organizations was restricted to provision of ambulance. The *Edhi Foundation* established by a renowned social worker *Abdul Sattar Edhi* has one of the largest fleets with 18000 ambulances in the country (Edhi Foundation, 2015). The organization is widely respected in the country because of its service to humanity. The *Chhipa Welfare Association* established by another social worker *Muhammad Ramzan Chhipa* had provided timely assistance for emergency medical aid to the victims of terrorism in Karachi (Chippa Welfare Association, 2015). The effective support to the victims by NGOs in FATA is lacking because of military operation and precarious security situation. The *Tribal NGOs Consortium* was formed in 2009 to fill the gap but the situation could not improve because of insecurity and rise of militancy in the area (“Insight on Conflict”, 2015). The support of non-governmental organizations that provided practical assistance to the victims was not satisfactory. Many workers of non-profit organizations were killed in these areas. Seven members of a charity organization *Ujjalah* (Light) were killed in *Swabi* district of KPK (“Pakistan: Seven Charity Workers”, 2013). The UN office of Coordination of Humanitarian Assistance (OCHA) has provided a major contribution to assist victims. Its operational strategy was specifically concentrated on Internally Displaced People (IDPs) of FATA and KPK. The Humanitarian Operational Plan (HOP) of OCHA consisted of 127 projects designed by seven UN bodies and 140 NGOs in three camps of IDPs (OCHA, 2013,p.5). *Jalozai camp* in Noshera district, *Togh sarai* IDP camp in district *Hangu* and *New Durrani* IDP camp in *kuram Agency* of FATA are prominent camps of Internally Displaced People in Pakistan. The second prominent work in international bodies was done by USAID. About 52% of its annual financial outlay for 2014 was concentrated on shelter and settlement of 4,56,500 IDPs out of which 74% were women and children (USAID, June 26, 2014). USAID initiated *Conflict Victim Support Program* for providing medical emergency services, supporting KPK and FATA government organizations for financial assistance, central repository for civilian victims of terrorism and to

help the victims to regain their source of livelihood. Out of 2500 identified potential beneficiaries, 728 were interviewed by the organization but 623 met the eligibility criteria of the program. The educational scholarships to 236 orphans were provided (USAID, October 1, 2013). It also trained the medical staff of three public hospitals of Peshawar. The operation of the United Nations Refugee Agency (UNRA) was focused on 1.6 million registered Afghan refugees that had migrated to Pakistan because of Afghan war from time to time and earlier it had also facilitated the return of 3.8 million Afghan refugees. It is considered the largest repatriation operation in the world (UNHCR Country Operations Profile-Pakistan, 2015). The operational jurisdiction of all above discussed international bodies was more restricted and limited to IDPs. The victims in Balochistan and Sindh did not receive adequate victim services from these organizations. Apart from UN bodies and USAID projects, very few international interventions have been noticed in last ten years. The Australian government offered asylum to 2500 families of *Hazara* tribe of Balochistan because of repeated terrorist attacks against the community because of their religious and ethnic orientation (Khattak, 2013). It is still unknown as how many people availed this opportunity. The level of participation of interviewees in the criminal justice system was also an important aspect of this study. As evident from the primary data, 73.04% of the respondents reported participation at initial stage of first responders. But this interaction was just restricted to evacuating the victims from crime scene and registration of police case. Policing in Pakistan was framed in a colonial setting under Police Act, 1861 but different attempts to reform the police system had failed because of lack of political will. The Police Order, 2002 was considered a milestone step that tried to cultivate a service oriented police with maximum level of accountability but the scheme again failed because of political controversies. The role of police in counterterrorism is crucial but it remained ill equipped, corrupt and deeply politicized and the scope of reformation and modernization was marginalized because of lack of investment. Only \$4.9 million US aid was spent on police

reforms against \$731 million for military from 2002 to 2008 (Abbas, 2009, p.8). It can be further argued that police reform is pre-requisite for better victim services as well. The most crucial factor is lack of training of law enforcement officials in victim services. The training manuals are concentrated more on physical training and daily police operations with less focus on victim assistance. The National Police Academy arranged courses on investigation of terrorism cases in collaboration with US Department of Justice under International Criminal Investigative Training Assistance Program (ICITAP) but very few training sessions were devoted to victim assistance. The contingency plans of different police organizations restrict victim services to immediate protection of crime scene and evacuation of injured. The local police even failed in this task in many cases as evident from the case of Ex-Prime Minister, Benazir Bhutto. The crime scene was washed immediately by the police that remained an outstanding issue of enquiry in this prominent case of terrorism in the history of the country. The overall capacity of police to protect the victims has also been marginalized by their over indulgence in VIP duties and protection of important politicians, senior police officers and some religious people. The data of Capital City Police, Lahore reveals that more than 60% of highly trained commandoes of *Elite Force* in Lahore are deputed with Prime Minister, Chief Minister and other important dignitaries. Each provincial police has established a Counterterrorism Department (CTD) headed by a senior police officer but no separate units for victim assistance exist in this organization. The provincial police organizations have established separate branches to look after the welfare issues of all serving police officials and also victims of acts of terrorism. The Punjab Police in Pakistan has recently amended rule 12 of the Police (Award of Compensation) Rules, 1989 on April 10, 2017. The amount of compensation has been enhanced for the officers who have been killed in police encounters including bomb blasts, watch or ward duties or terrorist activities. The amount of compensation for police Constables, Head Constables (Rs. 10 million), Assistant Sub-Inspector, Sub-

Inspectors (Rs. 12.5 Million), Inspector and Deputy Superintendent of Police (Rs.15 million), Superintendent of Police (Rs. 18 million) and Deputy Inspector General of Police and above (Rs. 20 million) has been fixed. It has also been notified in the existing rule that family of the officer will receive full salary and allowances and also entitled to retain the official residence till the date of superannuation. The compensation award also includes provision of transport and its maintenance, a residential plot in Federal and Provincial Housing Schemes, free education for the children and also conferment of a gallantry award. The compensation award for victims belonging to law Enforcement Agencies is more comprehensive as compared to civilian victims given in the existing laws. In view of data analyses, victim narratives, findings and discussion it can be concluded that no single solution formula can improve the level of services to the victims of terrorism in Pakistan. It also requires the study of guiding principles given in international instruments on victims and existing practices in other countries to improve its system of victim services.

## CHAPTER 4

### INTERNATIONAL PRACTICES FOR VICTIMS OF TERRORISM

The objective of this chapter is to review the international practices of victim services to further incorporate in the policy recommendations for the victims of terrorism in Pakistan. It also provides an understanding about the global, regional and national responses in view of specific issues faced by the victims in respective jurisdictions. A broad appraisal of policy initiatives starting from United Nations to Europe, USA and then Asia has been made to seek solutions to the indigenous challenges faced by the victims of terrorism in Pakistan.

#### **United Nations and Victims of Terrorism**

UN instruments are generic in nature and discuss victims of terrorism under the broad category of victims of crime (Letschert, Stagier & Pemberton, 2010, p.66) but the scope of application does not bar any member state to develop its separate legal framework for victims of terrorism. Since 1963, United Nations promulgated 19 international legal instruments on terrorism majorly dealing with prevention of terrorism (“United Nations Action”, 2015). UN Declaration of Basic Principles of Justice for Victims of Crime and Abuses of Power, 1985 is the primary instrument dealing with the victims of crime. The implementation of this international instrument by member states is questionable because of absence of any specific monitoring mechanism. ECOSOC Resolution about Guidelines on Justice for Child Victims and Witnesses of Crime, 2005 is valid to children and women victims of terrorism. Article 35 of the guidelines provides a scope of reparation for child victims in order to achieve full redress, reintegration and recovery. There are number of affected children by war on terror operations and also being victimized by terrorists. There is no comprehensive strategy available for the financial support and recovery of children and women victims of terrorism in Pakistan.



UN 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 adopted and proclaimed by General Assembly resolution 60/147 of 16 December, 2005 has also relevance to victims of terrorism across the globe. As already discussed that terrorism is a form of violation of human fundamental rights that endorse the application of this major international instrument on victims of terrorism. The preamble of the guidelines refers article 8 of the Universal Declaration of Human Rights, article 2 of International Covenant on Civil and Political Rights, article 14 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, article 39 of the Convention of the Child and article 68 and 75 of the Rome Statute of the International Criminal Court. All these above referred articles of different international instruments make the rights to remedy and reparation as obligatory provision for the member states. Article 3 of these guidelines makes it obligatory for the member states to take appropriate legislative, administrative and other measures to prevent gross violation of human rights. This international obligation is equally valid for Pakistan being a member state in UN system. The draft UN Convention on Justice for Victims of Crime and Abuse of Power (February 8, 2010) categorically included the word terrorism along with crime and abuse of power. Article 2(b) of the draft convention has elaborated the scope of application to victims of terrorism. It explains that convention covers natural persons who are victimized by acts or omissions that are acts of terrorism and others as defined in international instruments relevant to terrorism intended to cause death or serious bodily harm to civilians and non-combatants or damage to property, when the purpose of such an act by its nature or context is to intimidate a population or to compel a government or an international organization to do or abstain from doing any act. Moreover, article 13 of the draft convention dilates upon the monitoring mechanism to gauge the efficiency and effectiveness of policies and measures designed for the implementation of

the Convention (UN Draft Convention, 2010). It was an important missing area in the previous international instruments on victims. The draft declaration has not yet been accepted by many national governments and certain constraints still exist in its adoption by the international community. The international judicial forum for execution of justice for victims of terrorism is missing at international level. The Rome Statute (1998) of the International Court needs review for incorporating international crimes related to terrorism especially those acts of terrorism which are committed by known international terrorist organizations like Al-Qaeda in addition to those acts committed by some states in supporting terrorist organizations as a strategic tool in furtherance of political objectives. Apart from substantive legal international instruments, there are some subsidiary instruments providing basis for effective victims services for victims of terrorism. UN office on Drug Control and Crime Prevention (UNODC) has provided guidelines for the member states to implement the best practices of victim services. The Handbook on Justice for Victims on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1999) explains the basic concepts and related victimological issues. But this important document was produced with a considerable time gap. Similarly, Guide for Policy Makers (1999) on the Implementation of UN Declaration provides the comprehensive guidelines but again the monitoring aspects of implementation is missing. The most important publication of UNODC related to Victims of terrorism was the Criminal Justice Response to Support Victims of Acts of Terrorism, 2011. The UN General Assembly resolution 64/168 adopted on 18 December 2009 urged UN bodies including UNODC to step up their efforts to provide technical assistance for building capacity of member states in the development and implementation of programs of assistance and supporting victims of terrorism in accordance with relevant national legislation. Although, UN Counter-Terrorism strategy, 2006 is primarily focussed on counter-terrorism measures, but there are certain directions for the member states to protect victims of terrorism from further

victimization. Counter-terrorism measures cannot be alienated from victimization aspects of terrorism. It consists of four pillars and some parts of Pillar 1 and Pillar 4 of the strategy deals with victims of terrorism. Article 8 of Pillar 1 (Measures to address the conditions conducive to the spread of terrorism) is reproduced as under.

*“To consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives. In this regard, we encourage States to request the relevant United Nations entities to help them to develop such national systems. We will also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation. This could include exploring at the General Assembly the possibility of developing practical mechanisms of assistance to victims”.*

The personal efforts of UN ex-Secretary General, Ban Ki-moon for victims of terrorism performed a key role in creating an international support network. In UN Secretary General Symposium on Supporting Victims of Terrorism (2008), he himself stated that the needs of victims of terrorism have far too long gone unrecognized and unmet (UN Secretary General, 2008). The stories of victims of terrorism were made public. Carie Lemock, one of the 9/11 victims of terrorism in USA stated that she got one foot of her mom after six years of the incident and eleven hundred and twenty six 9/11 families had never brought a piece of their loved one home (UN Secretary General Symposium on Victims of Terrorism, 2008). The stories of these victims urged the need to establish an international network for the victims of terrorism. It was an important international event after Madrid Declaration on Victims of Terrorism, 2004. The Human Rights Council of General Assembly through its seventeenth session adopted proclamation of 19<sup>th</sup> August as the *International Day of Remembrance of and Tribute the Victims of Terrorism*. It is also observed as World Humanitarian Day because of

death of 22 people in UN Headquarters, Baghdad on August 19, 2003 (UN Human Rights Council, 2011). The remembrance of Victims' Day in UN system further highlighted the position of victims of terrorism at international level. Moreover, UN General Assembly Resolution (A/66/762) on implementation review of UN Global counterterrorism strategy (2012) has also highlighted the periodic developments and efforts at the level of United Nations for promoting the rights and needs of victims of terrorism. The UN Special Rapporteur's report on the Promotion and Protection of Human Rights and Fundamental Freedoms while countering Terrorism (A/HRC/20/14) also provides the policy guidelines on the victims of terrorism. It explains terrorism in the context of gross human rights violations and has discussed terror victimization as a distinct category of victimization. It emphasized the state obligation to protect right to life and right of victims to reparations and encouraged victims of terrorism to form representative organizations.

The most important initiative on the part of United Nations is to start with a victims of terrorism support portal on one of the recommendations of UN Secretary General Symposium to establish a virtual networking, communication and information hub for the victims of terrorism. It has primarily three objectives to provide a resource hub, contribution in the rehabilitation process and to establish solidarity with the victims of terrorism across the world ("UN Victim of Terrorism Support Portal", 2016). The portal provides details about support resources including documents, multimedia resources and news in addition to a directory of victim support organizations in respective jurisdictions. The portal has compiled information about assistance to victims, criminal justice mechanism and collaboration but few states out of 193 have responded to the questions with the required answers. The information about Afghanistan, Iraq, Pakistan and many other terror-ridden sates is still missing on the portal. The United Nations Office on Drugs and Crime (UNODC) published an exclusive document on

“Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework in October, 2015. It reviews the previous efforts by United Nations, Council of Europe, League of Arab States, Organization of American States, South Asian Association of Regional Cooperation and national legislations for victims of terrorism. It emphasises the victim-centred approach in the process of investigation and prosecution of acts of terrorism. The issues related to access to justice, legal advice, participation and reparation have also been reviewed in different jurisdictions. It recommends the effective role of victim’ associations for advocacy for rights of victims. The international cooperation for exchange of best practices has also been emphasised. On 13<sup>th</sup> UN Congress on Crime Prevention and Criminal Justice, a side event on “Good Practices for Supporting Victims of Terrorism within the Criminal justice Framework” was arranged and participants reviewed the international, regional and national instruments for the support of victims of terrorism (UN Victims of Support Portal, 2016). United Nations in its conference on human rights of victims of terrorism (February 16, 2016) also examined the national legislations, procedures and practices based on “Framework Principles for securing the human rights of victims of terrorism” (UN Victims of Terrorism Support Portal, 2016). It also highlighted the role of victims in prevention of terrorism. Pakistan being a member state in UN system has not signed and ratified a number of international instruments on terrorism and its victims. Pakistan acceded to by International Convention Against Taking of Hostage (accession on September 8, 2000), International Convention for the Suppression of Terrorist Bombing (August 13, 2002) and International Convention for the Suppression of Financing of Terrorism (June 17, 2009) (Human Rights Library, University of Minnesota, 2016). These were primarily counter terrorism instruments. It reflects the low level of commitment on part of government to introduce best victimological practices for the victims of terrorism in the country.

### **European Experience and Policy Initiatives**

The efforts undertaken by European regional institutions including European Union and Commission provides a regional framework to address the issues and problems related to victimization by the acts of terrorism. The Council Framework Decision of March 19, 2001 on standing of victims of crime in criminal justice proceedings (200/220/JHA) provides a broad outline on the position of victims of crime and role of member states. Para (5) of Preamble to the Framework Decision emphasized that victim needs should be considered and addressed in a comprehensive and coordinated manner, avoiding partial and inconsistent solution that may lead to secondary victimization. The terrorist attacks of September 11 led the European Union to adopt more concrete measures to prevent terrorism and to devise better policies for victims of terrorism. The Council Framework Decisions of 2002 and 2008 on combating terrorism also emphasized the needs to address the issues and challenges related to victims of terrorism. Para (8) of the Preamble to Framework Decision, 2002 explains that victims of terrorist offences are vulnerable and therefore specific measures are required in this regard. Article 10(2) of the Council Framework Decision of 2002 also refers to the measures adopted by the Framework Decision of 2001 and directs that member states if necessary take all measures to enhance appropriate assistance for victims' families. The Madrid Declaration was adopted at 1<sup>st</sup> International Congress on Victims of Terrorism on January 27, 2004. The declaration provides a hallmark to renew the commitment to provide assistance to the victims of terrorism as per national laws and international principles (Para 2). It also reflects a commitment to promote and strengthen resilience of the victims and their families against terrorism and threats of terrorism (Para 3). The Declaration covers many aspects of victim services including the rights of victims, role of media and civil society, role of victims in preventing terrorism and to promote international collaboration in support of victims of terrorism.

The European Counterterrorism Strategy (2005) also urged the member states to respond in a coordinated way by preparing for the disaster management to minimize the consequences of terrorist attacks, improving capabilities to deal with the aftermaths and taking into account the needs of victims (Para 4). The Committee of Ministers' Deputies adopted the guidelines on the protection of victims of terrorism. These guidelines explain that compensation to the victims is independent of identification, arrest, prosecution and conviction of offender. The Stockholm Programme (2009) also urged the practical support through legislative reforms by the member states for the victims including the victims of terrorism. Article 4.5 of the Stockholm Program dealing with terrorism reaffirms that Union Disaster Management Strategy is built on two basic principles; the responsibility of member states to protect its citizens and solidarity of member states to assist each other before, during and after the incident. The issues of cross-boarder situations have also been addressed through Council Directive of April 29, 2004. The directive sets up a system of cooperation to facilitate access to compensation in cross-boarder cases. Article 2 of the Council's Directive, 2004 stipulates that compensation to be paid by the competent authority of the member state on whose territory the crime was committed. This feature of victim services is unique to European experience as most of the victims face critical issues in cross-boarder situations. The European Commission has also established European Network of Association of Victims of Terrorism (NAVt) to enhance transnational cooperation among the member states. The periodic review on the assistance to the victims of terrorism, events commemorating March 11 as European Day of Remembrance of the victims of Terrorism and submitting reports to the European Union on the status of implementation of various regional instruments are the main functions of network. It also provides a network of support to victims of terrorism and monitors the best practices of victim services (NAVt, 2015). Terrorism and De-radicalization (TERRA) is another project of European Commission to reinforce the positive role of the victims of terrorism to prevent

radicalization in Europe. It provides a broad network of justice institutions in member states to expand the role of victims of terrorism in preventing radicalization (European Commission, 2012). The European Commission also initiated Europe-wide Radicalization Awareness Network (RAN) with a number of working groups that contributed to highlight the rights of victims through its awareness projects (European Commission, 2013). The Global Counterterrorism Forum (GCTF) High Level Conference on Victims of Terrorism on 9-10 July 2012 emphasized the importance of integrating victims of terrorism in counterterrorism initiatives. It also highlighted the importance of collaborations among government and civil society with support to Associations of Victims of Terrorism. The conference further explained that media also play a key role in recognizing the rights of victims (GCTF, 2012). Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediate after the Attack and in Criminal Proceedings (November 7, 2012) was the result of GCTF's Conference on Victims of Terrorism. Consequent upon recommendations of Cairo Declaration on Counterterrorism and Rule of Law (September 22, 2011), experts from different international bodies and member states agreed upon seventeen good practices of victim services for victims of terrorism. Collaboration and coordination among key stakeholders was considered the first best practice to assist victims of terrorism. The state actions focused on victims' needs and consistent with a set of guidelines was also agreed upon by the members. Immediacy, accessibility, simplicity, unity, resiliency and comprehensive assistance were identified as key principles in provision of victim services (Madrid Memorandum, 2012). The magnitude of acts of terrorism in Spain and France remained higher as compared to other states because of indigenous separatist groups (US State Department, 1993). Spain took many leading steps to improve the quality of victim services through legal measures by the government with partnership of international community. The first International Conference (2011) on Victims of Terrorism, Madrid Declaration (2004), Madrid Memorandum (2011) and many other



international events were hosted by Spain. Spain also promoted a reference to establish an International Fund for the Victims of Terrorism as envisaged in UN Security Council Resolution, 1566 of 2004. Spain has a specific law (29/2011) for the support of victim services. Law (35/95) establishes the office of victim services through a network of victim services associations (Ministry of Justice, Spain, 2015). The non-profit organizations for victims of terrorism in Europe also played an effective role. The Association of Terrorism Victims and M-11 Association of Victims of Terrorism collaborates with government and other organizations to help victims and their families (Ministry of Justice, Spain, 2015).

### **USA: From 9/11 to Present**

An elaborate victim services network for the victims of terrorism is also available in the United States. Both national and non-profit institutions have responded to acts of terrorism especially after September 11 with meticulous planning in different spheres of victim services. US code 42; Chapter 112 exclusively deals with victim compensation and assistance. The victim assistance to the victims of terrorism has been discussed under the broader category of victims of crime (Cornell University Law School, 2015). The victim support system for the victims of terrorism in the United States was already in practice before September 11. The Office of Victims of Crime (OVC) started working under Victims of Crime Act, 1984. The First important legal enactment was Victims of Terrorism Compensation Act of 1986. The state compensation was provided to the victims of PAN AM flight 103 through US-Libya Claim Settlement Agreement and Libyan government paid \$ 1.5 billion to American victims (CNN, 2008). Similarly, the victims of Oklahoma Bombing (1995) were also provided state compensation. After the most devastating attack in the world history on September 11, the system of victim services was further revamped in view of new challenges. The Office of Victims of Crime (OVC) was the central point of contact responsible for planning and execution

of victim services plans. The Director appointed by the president of the United States reports to the Attorney General through Assistant Attorney General for the Office of Justice Program (OJP) under the overall supervision of US Department of Justice. A Crime Victim Fund works in a separate account of treasury and section 10601(5A) empowers the Director of OVC to keep an amount up to \$50,000,000 from the available fund to devise plans in response to terrorist activities (Victim of Crime Act Statute, 2015). This special fund is called Antiterrorism Emergency Reserve. Antiterrorism and Emergency Assistance Program (AEAP) provides grants for crisis response, consequence management, criminal justice support and crime victim compensation in addition to training and technical assistance (OVC, 2015). Section 624 of US Patriot Act, 2001 exclusively deals with victims of terrorism. The Victims of Crime Act, 1984 (Section 1404-b) was amended to empower the Director of Office of Victims of Crime to make supplementary grants to states for the eligible crime victim compensation and assistance; victim services organizations, public agencies and non-profit organizations (Public Law-107, 5-October 26, 2001). The International Terrorism Victim Reimbursement Program (ITVERP) was authorized by the US Congress to reimburse out of pocket expenses to the victims of international terrorism (OVC, 2006). The program gives compensation to US nationals, employees of US government that become victim of terrorism outside the United States. The maximum limits in the category of medical expenses, mental health, property loss, funeral expenses and miscellaneous have been earmarked. The Office of Victim Assistance (OVA) is also operational in Federal Bureau of Investigation. FBI deals with the operational aspects of Victim Assistance Program (VAP) in its 56 field offices as well as international offices (FBI, 2015). The FBI office for victim assistance coordinates with US Department of State and assists injured victims with medical help and their families for emergency travels. It also provides information about compensation and other allied matters. FBI also closely works with OVC to reimburse compensation out of Crime Victim Assistance Emergency Fund for victims of

terrorism and mass violence. FBI also places victim specialists in field offices to personally assist victims of international terrorism that become the victims outside the United States. A Victim notification Scheme is also available in both English and Spanish with an auto-generated system to provide information to the victims about the status of their cases. An International Terrorism Victim Expense Reimbursement Program Resource Center is available with a toll-free service for the guidance of victims (FBI, 2015). The US Congress passed Air Transportation Safety and System Stabilization Act which further creates September 11 Victim Compensation Fund with an agreement with the victims not to sue the airline companies. Kenneth Feinberg was appointed as Special Master of the Fund by the then Attorney General John Ashcroft. The formula of compensation was framed in view of the income and age of the claimant. The compensation award for a victim with an income of \$50,000 or less with an age of 35 years or less was from \$2,50,000 to 3.2 million. About \$7 billion was the cost of benefits given to the victims and cost of administration was \$86 million to process 7403 claims including 2968 death claims (Final Report of Special Master, 2004). The average death claim was \$2,082,128. (CNN, August 24, 2015). The Governor of New York George Pataki signed legislation on August 14, 2006 to expand death benefits to victims who died of cancer and respiratory diseases with an understanding after medical examinations that they died because of exposure to dust in the rescue operations after the incident. The President Obama further signed James Zadroga 9/11 Health and Compensation Act, 2011 that reactivated September 11<sup>th</sup> Victim Compensation Fund (Public Law, January 2, 2011). The Zadroga Act expands the scope of claim for those individuals who were injured during debris removal. Sheila Birnbaum was appointed as Special Master of the Fund by the court to mediate 95 claims pertaining to deaths and personally injury and she successfully mediated 92 such cases (September 11 VCF, 2015). James Zadroga was the New York City Police officer who died of a respiratory disease proved fatal after his participation in rescue and relief operations. The Victim Compensation Fund has

made 12,712 eligibility decisions out of 19721 eligibility forms received till June 30, 2015 (September 11 VCF, 2015). Victims of Terrorism Tax Relief Act, 2001 was another step taken by the US government for the victims. Certain amounts like disability payment; disaster relief payments and death payments paid by the employer were not treated as income. The Act also provides that Federal Income Tax liabilities against victims are forgiven (Public Law 107-134, January 23, 2002). World Trade Center Health Program also provided medical treatment and monitoring to the rescue workers and other victims who got affected at subsequent stages. The total enrolment in various categories was 72,297 with an addition of 11,167 since 2011 (WTC Health Program, 2015). The non-profit organizations also played a significant role in victim services in USA. The victims of September 11 and their families established most of the forums and associations. The September 11 Families Association, 9/11 Families for Peaceful Tomorrows, Voices of September 11, Tuesday's Children, World Trade Center Survivors Network (WTCSN) and many other non-profit organizations provided support to the victims of terrorism. The federal and state governments also initiated educational scholarships for the children of victims in USA. The National Association of Student Financial Aid Administrators represented an effective resource network to facilitate the students within victim families (NASFAA, 2015). Families of Freedom scholarship Fund, The Aon Memorial Education Fund, Needham 911 & Heroes Scholarship Fund, Freedom Alliance Scholarship, and Federal Student Loan Forgiveness were key initiatives taken for the educational opportunities for children of victims of September 11. More than 20,000 corporations, universities and humanitarian organizations had supported the Families of Freedom Fund, which was the largest private funded scholarship in USA ("9/11 Fund Hands Out", September 10, 2014).

### **Asian Perspective: Challenge and Opportunities**

The issues and challenges faced by the victims of terrorism in South Asian countries are

somehow similar with some variations in victim services initiatives. The issues in Afghanistan are more similar to that of Pakistan because of increased number of victims and long years of war on terror and victimization by Al-Qaeda related non-state actors. A large number of civilian victims because of military operations are also peculiar to Afghanistan and Pakistan. India has an additional phenomenon of communal violence that has produced many innocent victims. The efforts of Afghan government for victim services are also limited as in case of Pakistan. Code 99 Fund is managed by the office of Afghan President with a discretionary power to reimburse compensation to the victims and their dependents. An average amount of US\$2000 in case of death and US\$1000 for major injury was reimbursed by this fund (Center for Civilian in Conflict and Amsterdam International Law Clinic, 2013, p.20). The Ministry of Labor, Social Affairs and Disables (MoLSAMD) also regulates another fund that provides compensation to the victims of law Enforcement Agencies and US\$18000 is provided to the dependents of a deceased official (p.21). There are similar issues with compiling the exact victim data on casualties and injured persons. Susan (2012) has pointed out that reporting on casualties of Afghans did not start until 2007. The United Nation Mission in Afghanistan (UNAMA) and US Department of Justice occasionally included the casualty figures in their reports. Some participant countries in war on terror in Afghanistan have made limited arrangements for civilian losses because of war damages. Although, such individuals were not victims of terrorism but they were victims of war damages. United Kingdom, Canada, Netherlands, Australia, and Poland contributed to compensation payments to the civilian Afghans (Center for Civilian in Conflict, p.11). The Common law Claims and Policy Division of U.K, Local Operational Coordination Districts of Canada, The Netherlands Claims Division and Legal Advisor Operations (LEGAD DOPS), The Tactical Payment Scheme of Australia and Claim Commission of Poland provided small amounts to Afghan civilians for their losses because of military operations (p.12). The US army also paid small amounts of *Solatia* and

condolence/ battle damage payments to civilians out of Operation & Maintenance (O&M) Fund of military units and Commanders Emergency Response Program (CERP) Fund with a maximum caps of US\$2000 and US\$2500 respectively (p.14). The Campaign for Innocent Victims in Conflict has identified that lack of a clear and coordinated strategy to address the losses of Afghan civilians is the major source of resentment against the contributing troops of International Military Alliance in Afghanistan (CIVIC, 2009). The US government also initiated some limited programs of victim support in Afghanistan. The Afghan Civilian Assistance Program (ACAP) was started in 2006 with the approval of US Congress and provided assistance to 10,100 victim families (USAID, Afghan Civilian Assistance Program, 2015). But all these efforts were not focused on actual victims of terrorism in Afghanistan.

India has periodically progressed in developing a better victim support system for victims of terrorism. The Central Scheme for Assistance to Civilian Victims and Family of Victims of Terrorist, Communal and Naxal Violence started in 2008. As per Guidelines on control scheme for assistance to victims of terrorist and communal violence (2008), Rs. 5 lakh (US\$ 8144) are locked in a bank and the interest thereon is reimbursed to the dependents of the victims and principal amount of Rs. 3 Lakh (US\$ 4886) is given to the victim family. The amount of compensation was enhanced to Rs. 5 lakh (US\$8144) in 2014 (Government of India, 2008). It is important to mention that foreign nationals are also covered under the federal scheme. The Indian Home Minister explained in response to a question in House of Representative (*Lok Saba*) that 751 victims from 2009 to 2013 had received the compensation with highest number of claims in West Bengal, Maharashtra and Assam (Indian House of Representative, 2014). India has a history of communal violence. The government claimed that financial compensation was provided to the victims of communal violence in the past. As a result of religious riots in Gujrat, 790 Muslims and 254 Hindus were killed and 2500 people got

injured in 2007. It was reported that US\$3400 was paid to kin of each victim family (Gujrat Riot Death”, BBC, 2005). In recent past, the victims of terrorist attacks in 2008 at *Taj Mahal Hotel* in Bombay were also provided monetary compensation as per existing law.

There are certainly many take-home points after review of international instruments and existing practices in European region and USA. United Nations can play its effective role by enacting more specific instrument on victims of terrorism with proper monitoring system. There is still need to sensitize the international community especially the terror-ridden countries to seek solutions to the problems faced by victims as per guidelines of international instruments. The European perspective presents a unique element of inter-state coordination within the region. Although, the regional response in South Asia is challenging because of prevailing conflicts and clash of interests in political spheres but still the need of joint collaborations at regional level cannot be ignored. Pakistan is signatory to Organization of Islamic Countries’ Convention on Combating International Terrorism (June 26, 2002) and South Asian Association of Regional Cooperation (SAARC) Regional Convention on Terrorism (June 6, 2004) and there is need to seek a regional instrument for the victims of terrorism. Although, it is somehow challenging for developing countries like Pakistan to adopt similar compensation schemes as in case of developed countries but the institutional response to victim needs can be based on a number of new policy initiatives to improve the standards of victim services. Pakistan needs a comprehensive planning for infrastructural development, legal framework and laid down procedures for standardization of services for compensation, rehabilitation, participation, information, protection, social-acknowledgement and inter-provincial coordination. All these aspects have been addressed in the proposed policy framework of victim services in the next chapter.

## CHAPTER 5

### POLICY GUIDELINES ON VICTIMS OF TERRORISM IN PAKISTAN

The overall objective of this research work is to frame policy guidelines on victim services for the victims of terrorism in Pakistan. The proposed policy recommendations are based on the empirical findings as already discussed in data analyses and international practices identified through different sources. Article 76 of Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework (2015) recommends, “*States should develop national policies and enact legal frameworks relating to the provision of services for and the rights of victims and, if necessary, adopt guidelines for the implementation of such laws and policies*”. The recommended policy framework is based on three principles of multidisciplinary, problem solving and normativity that have been identified as key principles of any effective public policy (Young & Quinn, 2002, p.10). Terrorvictimity has multiple causations and consequences. No single quick-fix formula can be proposed as a remedy to resolve this complex phenomenon. It is rather a set of comprehensive recommendations in economic, social, psychological, legal and political fronts. The answer lies in plurality of responses by all concerned stakeholders. Moreover, it requires an action oriented framework rather than a theoretical perspective to achieve the desired results. An effort has been made to set some minimum standards or norms with an ultimate goal to facilitate the process of rehabilitation of victims of terrorism in the country.

#### **Policy Framework**

Policy statement provides the rationale and underlying philosophy of any policy (Policy and Procedure Writing Guide, 2016). The following policy statement has been identified for the purpose of proposed policy framework for victims of terrorism in Pakistan.



“The victims of terrorism in Pakistan should be treated with compassion and dignity to achieve protection, medical wellness, information, participation, psychological counseling, social acknowledgement and financial reparations in view of their socio-economic conditions and needs by the state and non-state institutions with an overall objective to facilitate them in the rehabilitation process in accordance with international norms and constitutional obligations of the country”.

There is need to identify the specific categories of victims of acts of terrorism in Pakistan for legal purposes. It has been established during this study that certain categories of victims have not been provided financial compensation or other services by the government. Its key examples are innocent victims of drone strikes and victims belonging to foreign nationalities. As a result of this research work, following specific categories of victims of terrorism have been identified that government institutions should acknowledge for the purpose of reparation and other victim services.

1. Civilian persons that have been killed or injured by an act of terrorism in Pakistan.
2. Family members of the direct victims. These include only dependents of the direct victims.
3. The government officials including law enforcement officials, victim services providers or private persons that have been affected by their participation in antiterrorism or rescue and relief operations after an act of terrorism.
4. Persons that have suffered mass migration by repeated acts of terrorism or antiterrorism operations.
5. Innocent civilian persons that have been killed or injured or suffered financial losses by any antiterrorism operations or drone strikes.
6. Citizens of Pakistan that have been victim of terrorism in any part of the world.

7. Any foreign national that becomes a victim of any act of terrorism on the territory of Pakistan.

Some key principles have been identified for the purpose of future policy recommendations on victims of terrorism. A multidisciplinary victim-centered approach is recommended to reframe already existing laws and practices with an objective to improve the efficiency and effectiveness of victim services. Special efforts should be made by state and society to preserve respect, human dignity and fairness. A holistic paradigm of victim services should be adopted covering all aspects of medical needs, protection, information and participation in addition to financial compensation to the victims of terrorism in the country. The empirical evidence should be treated as a benchmark for making any amendment in the proposed policy. The political considerations should be least affecting any policy initiative taken by any government from time to time. The policy should incorporate best international practices envisaged in existing international instruments and successful projects already implemented in other countries. The government should encourage facilitating the participation of victims in the criminal justice process through amendment in the existing legal framework. The victims of terrorism should be involved in decision-making process by the state institutions and should be considered as important partners in war on terror. The victim policy and rights should not affect the due process of law against offenders and terrorists. Victim services should not be the sole responsibility of any single institution. All social and political entities should play their effective role in serving these victims as per desired standards with interdependence and coordination. Victim services should be considered as a continuous process with periodic reviews, scientific analysis and effective system of monitoring by all stakeholders.

### **Victim Services Structure**

The overall structure of victim services should be established at national, provincial and district level. Each office should be autonomous in taking initiatives for project management in collaboration with non-profit organizations, victim associations and community members. Planning, coordination and execution are three important steps to be adopted at above-mentioned three hierarchical levels in the provision of victim services. A structural plan has been designed to improve the role of government, non-profit organizations, international bodies, community and family. The proposed victim services structure requires the legislative approval of the parliament to institutionalize the role of government in victim services. It is framed to identify the role of various institutions to implement the proposed recommendations regarding victim policy, laws, projects, advocacy and execution of victim services. The proposed victim services structure consists of following five main pillars.

1. Role of stakeholders
2. Institutional capacity
3. Modes of execution
4. Shared responsibility
5. Transparency and accountability

An integrated victim centric approach is recommended for any future strategy for the victims of terrorism in the country. During this study, it was observed that previous efforts on the part of stakeholders were lacking in integration of institutional roles. The victims' feedback on various issues revealed a segregated approach of government and non-government entities. The capacity of existing institutions and professionals was observed hampered with low level of knowledge and skills in the field of victimology. A sense of direction in legal framework with clear modes of execution of any policy or law was also observed missing. An effective

victim services system requires shared responsibility of all stakeholders with a strong system of accountability. An effective monitoring system to ensure transparency was also found lacking in existing structure. The proposed victim services structure aims at addressing all these multiple challenges in a systematic way. The figure-1 explains the layout of proposed victim services structure.

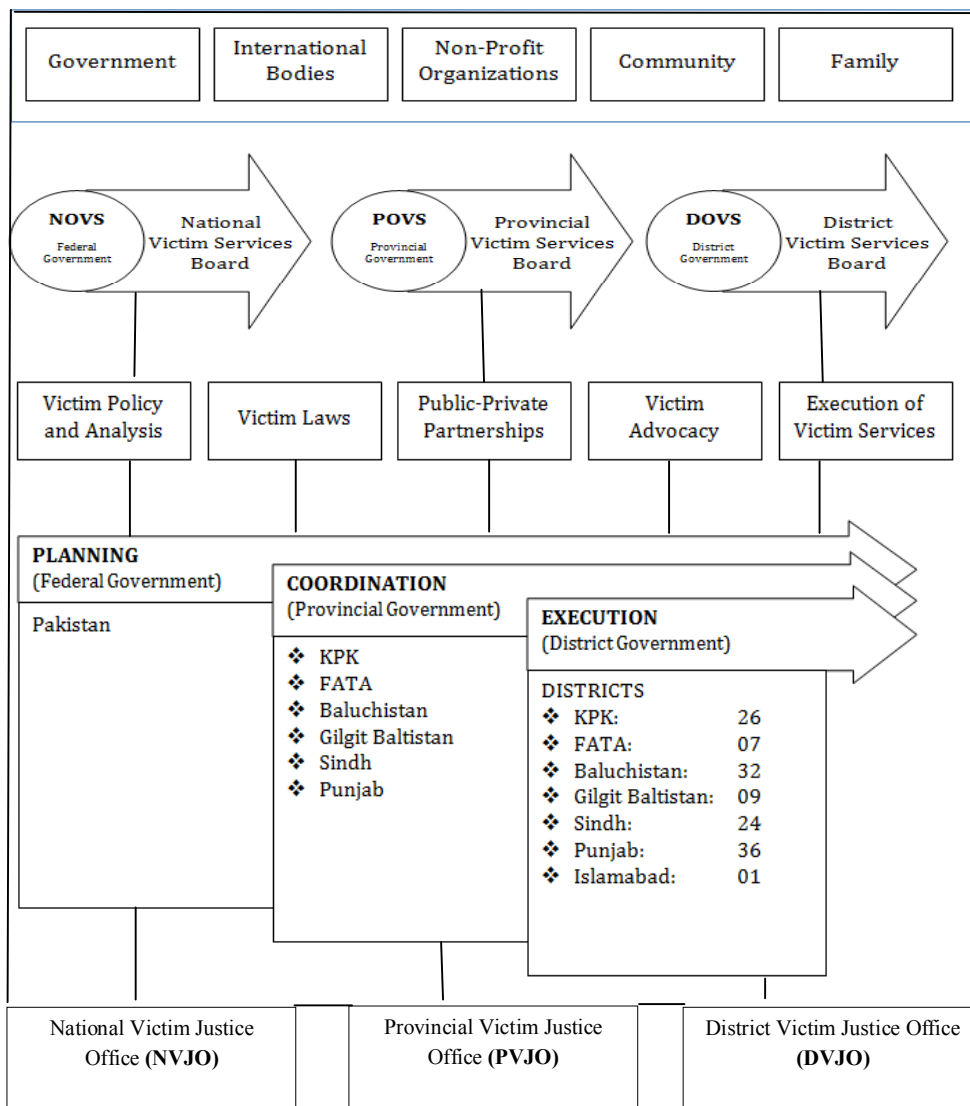


Figure 1: Victim Services Structure Layout

United Nations Office on Drugs and Crime (UNODC) through Good Practices in Supporting Victims of Terrorism within Criminal Justice Framework (2015) has recommended that states should mandate a leading agency for implementing and coordinating national policy and practices for support of victims of terrorism (article-74). The National Office of Victim Services (NOVS) in Pakistan is proposed as a central institution of federal government for victim policy. Many jurisdictions have separate victim entities that work at national level for policy formulation. The Office of Victims of Crime (OVC) in USA and National Office of Victims in Department of Public Safety in Canada are key examples. The proposed National Office of Victim Services will create coherence in policy framework and ensure effective coordination among different federating units of the country. Similarly, each province requires establishing its separate office for the victims. The provincial or state offices should be responsible to manage its finances in view of particular requirements of concerned region. The proposed National Office of Victim Services (NOVS) should work under the Ministry of Interior at the federal level to plan, coordinate and supervise all policies and programs of federal government. It will act as the apex body to represent the government of Pakistan to redress the victimological issues as a consequence of crime and acts of terrorism. The Director of NOVS should supervise the overall administrative and financial functions of the organization with allied units as given in the organizational layout. An Additional Director and a consultant/expert on victim services should be hired from private sector with adequate knowledge and skills in the field of victimology and victim assistance to support the Director. NOVS will also act as an autonomous body to represent victimology and victim assistance with an advisory role to the Government of Pakistan through Ministry of Interior. It will be responsible to design and formulate the national victim policy based on research with participation of all stakeholders. NOVS will coordinate the efforts to promulgate victim laws at national and provincial levels. It will be responsible to protect the legal rights of victims

through enforcement and strict supervision. It will also provide guidelines to the provincial governments to establish proper infrastructure for efficient victim services for the victims of crime and terrorism in the respective jurisdictions. It will also offer a directory of Help lines of relevant organizations and details of victim services providers at national, provincial and district levels. It will also assess the needs of victims at national level and also guide the provincial chapters to assess the needs of victims in peculiar circumstances. NOVS will manage all the financial matters related to grants to the provincial chapters and compensation to the victims of crime and terrorism in collaboration with Finance Division at federal level. It will also be responsible to promote research, training and advocacy on victimological issues through joint collaboration with non-profit institutions and academic research based organizations. It will also announce annual National Victim Services Award for extraordinary efforts or contribution in the field of victimology and victim assistance to individuals or organizations. A National Victim Services Board (NVSBS) headed by the Minister of Interior should act as advisory body to the National Office of Victim Services. It should consist of federal secretaries of all relevant ministries with Secretary of Interior as focal person. NOVS will establish international and regional linkages to introduce best victimological practices in Pakistan. It will also publish an annual report on victim issues, laws and adopted measures by different institutions and this report will be made public for further research and policy analysis. NOVS will consist of six main branches dealing with victims of crime, mass violence and terrorism victims, public affairs, training and technical assistance, research and public policy in addition to administration and finance. The proposed organizational structure of National Office of Victim Services is indigenous in nature on the patterns of other government departments with a hierarchy, common designations and existing Basic Pay Scales (BPS). The proposed organizational structure of NOVS is given in Figure: 2

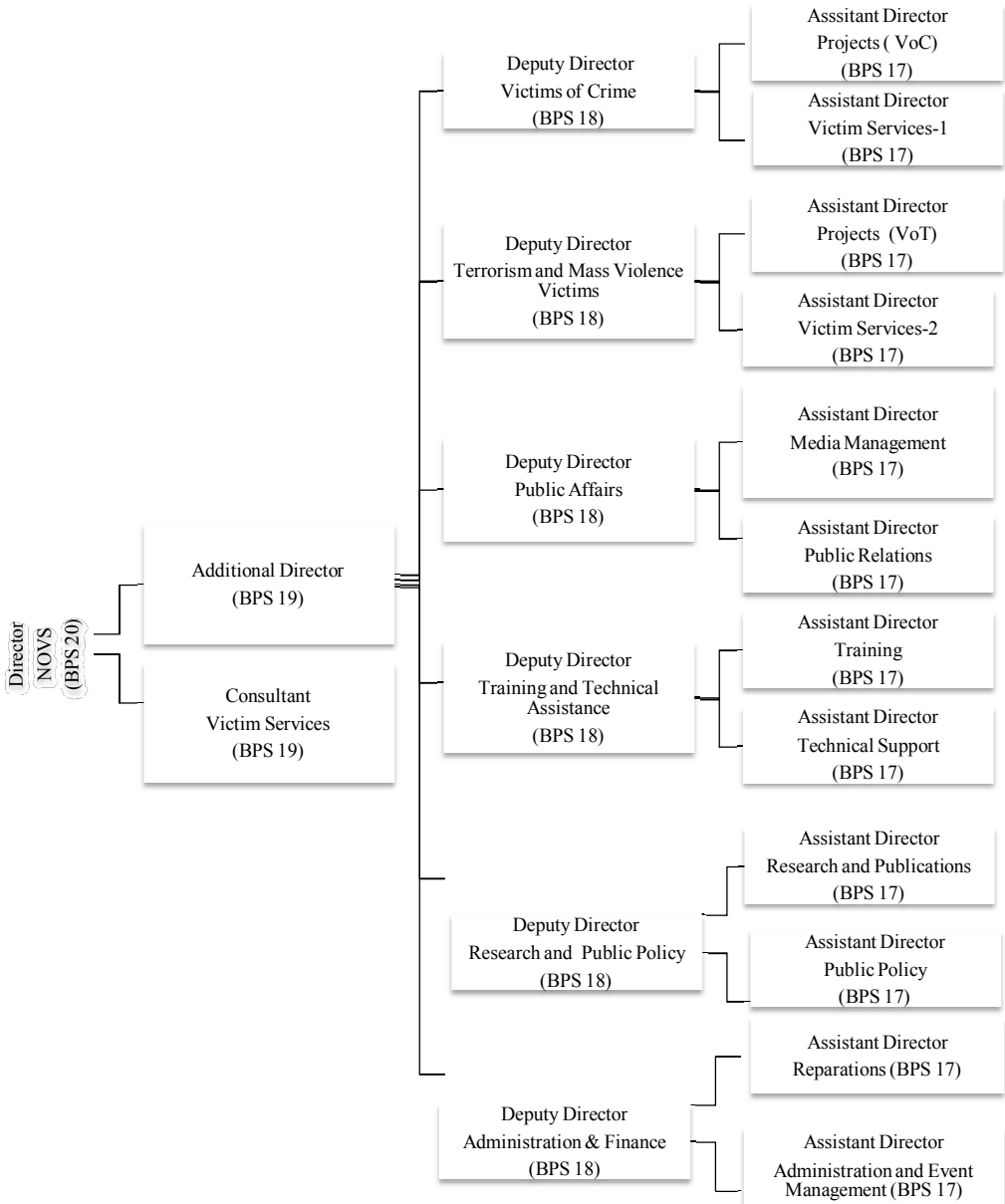


Figure 2: Organizational Structure of National Office of Victim Services (NOVS)

Each provincial government should also establish Provincial Office of Victim Services (POVS) under Home Department and will be responsible for coordination and execution of victim services in view of guidelines given in the national policy of the federal government and any other special instructions issued from time to time. The Provincial Victim Services Boards (PVSB) should also play an advisory role in assisting their respective offices for victim services as in case of federal government. Such regional offices should also be functional in the Secretariats of Federally Administrative Tribal Areas of Pakistan and Gilgit Baltistan. Although, FATA and Gilgit Baltistan have not been given provincial status but such offices are required in view of a large number of victims in both regions. The structure of the provincial offices should be designed on the similar lines to create synergy and uniformity in developing the basic infrastructure of victim services in the country.

This study reveals disconnect between the ongoing counterterrorism efforts of the government and victims. It is proposed to establish a separate Victim of Terrorism Unit (VTU) in National Counterterrorism Authority (NACTA) that should work on coordinating the efforts to highlight the role of victims in counterterrorism initiatives of the government. This new unit should be added in the already existing structure of NACTA and will closely work with branch of National Office of Victim Services of federal government dealing with victims of terrorism.

District is the basic administrative unit in Pakistan and almost all policies of the federal and provincial governments are being executed at this level. It is also one of the most important tiers in the provision of victim services. An elaborate administrative machinery of different departments already exists at district level. It is also easy to reallocate resources available at the district level. The existing evidence collected through the interviews of the victims also suggests that almost all services related to medical, protection, participation and financial support are related to the administrative structure at district level. It is recommended that each



district government should establish a District Office of Victim Services (DOVS) that will act as the core implementation body of all victim laws and policies at the district level. It will be headed by Executive District Officer (EDO) with a District Victim Services Board consisting of relevant district heads of various departments. The district officer will seek guidance from the Provincial Office of Victim Services but act autonomous in decision making for the effective implementation of victim support guidelines and laws in collaboration with all respective units. The EDO Victim Support Services will coordinate with provincial government through Deputy Commissioner (DC) of respective district and will also coordinate with Director, Provincial Office of Victim Services. DOVS will be supported by District Victim Support Board consisting of District Police Officer (DPO), District Officer of Emergency Services 1122, District Prosecution Officer, District Health Officer, District Welfare Officer and District Finance Officer. The district board should also consist of at least five nominated community members with equal representation of all communities in the district. DOVS will undertake special victim services programs in consultation with District Victim Support Committee. All the official members of the committee will share equal responsibility to utilize their organizational resources for the welfare of the victims.

DOVS should consist of ten major units as identified in the organizational structure of this office. Emergency Management Unit will be responsible for preparedness to respond to an incident of terrorism or mass victimization. It will also cater for the emergency needs of the victims related to funeral expenses and transportation cost. Medical Wellness Unit will coordinate the arrangement for the medical treatment of the injured victims. It will also work for the long term treatment issues of amputees, handicapped and mentally challenged victims. Compensation Unit will be responsible to manage the Victim Support Fund at district level in coordination with District Finance Officer. It will also maintain the proper record of all

compensation amounts provided by the government after an act of crime or terrorism. Information and Notification Unit will be responsible to monitor the information needs and services. It will design a system to monitor the notification scheme and role of concerned officials to serve different notices to the victims at various stages of criminal justice process. The unit will also be responsible to compile information for victims, media and other agencies after an act of crime and terrorism. The Counseling Unit will be responsible for legal and psychological counseling of the victims. The unit will also establish a liaison with non-profit organizations for the counseling of victims. Special Needs Unit will address the special needs of women, children and elderly victims. Media Management and Advocacy Unit will be responsible to safeguard the right of victims in media representations. It will provide timely information to media through press briefings and special press releases. The unit will also use social media for public education and advocacy about victim rights. Training and Technical Support Unit will coordinate all training events and activities of related agencies on victimology and victim assistance. It will also provide technical support in developing training material for government and non-profit organizations. It will also run a mobile training and education unit that will visit to different organizations for on-job training of officers in various categories. Research and Database Unit will be responsible to conduct victim surveys at district level. It will also analyze the feedback of the victims about the provision of victim services and publish its annual report. Victim Justice Office will exercise its legal jurisdiction to receive complaints against any service provider or institution for not providing adequate assistance to the victims or in case of abuse of power. Such offices are working in many developed countries with different names to ensure accountability and transparency in provision of victim services. The organizational structure of DOVS is given in Figure 3.



Figure 3: Organizational Structure of District Office of Victim Services (DOVS)

The provincial government should facilitate the concerned district governments to establish proposed District Offices of Victim Services. It can be undertaken in three phases in view of number of incidents of terrorism in respective districts. The districts with maximum number of incidents can be covered in phase-1, followed by those districts with comparatively less number of incidents. Moreover, it is proposed to cover the provincial headquarters and main cities in the first phase of implementation. The proposed DOVS will also work for both victims of crime and that of acts of terrorism. It will not only serve the specific needs of victims of terrorism but also institutionalize the victim services structure in the country on permanent basis.

It is also proposed to establish Victim Justice Offices (VJOs) at Federal, provincial and district levels under judicial control to ensure accountability and transparency. The National Victim Justice Office should be established in the Supreme Court of Pakistan with its sub-offices at High Courts and District and Session Courts. The main functions of Victim Justice Offices should be performed under the supervision of designated special judges in respective legal jurisdictions at three levels. The core function of this office is to handle complaints of victims for violation of their statutory rights. The judicial control of this structure has been proposed in view of organizational culture of state institutions with lack of accountability for violation of services to the victims. Certain countries have a system of Victim's Ombudsman but performance of such institutions remained questionable because of lack of punitive powers exercised by the Ombudsman. The Victim Justice Office (VJO) should work as victim rights compliance office. VJO can depute any investigating agency or person depending on the nature of complaint to conduct enquiry and submit its report to the concerned authority for an appropriate decision. All the government organizations and officials should be legally bound to follow the decisions taken by VJO and any deviation will be treated as contempt of court that

will further lead to penalty against the responsible official. VJO should design a specific format to receive complaints and victim should be given opportunity of personal hearings to ascertain the real facts. Any victim can hire an attorney to plead his or her complaint during the proceedings of victim justice office. A victim should also be entitled to get the support of any victim's advocate or volunteer. The actions and decisions of the Victim Justice Office should be based on neutrality and confidentiality for all concerned parties. VJO should also be authorized to make recommendations to national, provincial and district offices of victim services to improve the victim support system in the country or a specific region. Special attention should be given to identify the deviation by the concerned government officials for non-compliance of victim laws so that highest standards of efficiency and professionalism can be achieved.

It is recommended that states should develop list containing identity and contact information of victim (Madrid Memorandum, Good Practice-5, 2012). The minute review of existing literature suggests that a separate database on the victims of crime and terrorism does not exist in Pakistan. A number of countries have their separate databases on victims that help in policy formulation and analysis of prevalent trends of victimization. The district, provincial and federal offices should conduct the national survey on victims of terrorism in a uniform format with all minute details about the act of incident, type and magnitude of loss, victim needs and provision of already existing services. The data compilation should be done from local to the national level. The District Office of Victim Services will compile the data on the guidelines provided by the provincial and national offices. A similar data format should be adopted for creating a uniform database. The victim survey should further constitute the victim databases at three tiers of Federal, provincial and district levels with periodic updating from time to time. The victim surveys and data sets will also be used for public policy analysis,

research and publications. It will also provide a basis for the annual report on victim services that should be made public.

### **Legal Framework and Victim Rights**

It is recommended that states should enact legal framework for provision of victim services and rights (Madrid Memorandum on Good Practices, 2012, Good practice-3). A number of developed countries have enacted separate laws on the victims of terrorism. Justice for Victims of Terrorism Act (2012) was enacted in Canada. The enactment of separate laws actually ensures the mandatory provision of their legal rights. The federal government of Pakistan should enact Victims of Terrorism Act at national level after deliberations by National Victim Services Board (NVSB). The NVSB should work in close coordination with National Office of Victim Services. It will propose the appropriate measures to the central government for effective and efficient victim services. The Ministry of Law should be responsible to draft all the recommendations in the form of a bill for its approval from the parliament. The provincial governments should also enact separate laws on victims of terrorism in their respective jurisdictions after recommendations by Provincial Victim Services Boards (PVSBS). The provincial laws passed by the Balochistan and Punjab governments should be amended in view of federal law by incorporating other best practices in addition to compensation for such victims. The victim rights have not been specifically mentioned in the existing laws on victims of terrorism enacted by the governments of Balochistan and Punjab provinces. It is proposed that federal government law on victims of terrorism should specifically enact these rights. The provincial governments should follow the same policy guidelines for the victim rights. These rights should be treated as inviolable statutory rights and deviation of stated victim rights by any state agency or person should be punishable by the court after due process of law. The proposed rights should be based on victim needs. Although, the victims' needs are multifaceted

depending on the economic position of individuals and existing resources but enactment of specific rights will guarantee specific legal entitlements. In view of international instruments on victims, existing laws in Pakistan and direct interaction with interviewees in this study, eight different categories of victim needs have been identified.

- A. Surviving needs
- B. Physical needs
- C. Social needs
- D. Psychological needs
- E. Information needs
- F. Accessibility and participation needs
- G. Criminal justice needs
- H. Cross-border needs

The first category of basic needs refers to surviving needs of the victims of terrorism. On the basis of this category, a victim should have right to life and right to free medical aid. These two rights have already been mentioned in international instruments on victims and the constitution of Pakistan. Right to physical protection and right to adequate housing refer to physical needs that should also be acknowledged as victim rights. Right to financial compensation or reparation is the basic victim right that has been recognized by a number of international instruments on victims. Apart from it, a victim should have right to continue employment with basic health standards and must be given employment benefits in case of prolonged illness. In view of social needs, a victim should have right to respect and recognition that state should ensure at all stages of rehabilitation and that of criminal justice process. The right to psychological first aid by trained professional and right to avail spiritual services of own choice should also be recognized as victim rights in view of psychological needs. The

information needs of the victims refer to their information rights. It includes right to know about missing persons after an act of terrorism, right to know about the progress of their criminal cases, right to maintain privacy and right to access to official records for availing compensation and other legal purposes. It was also observed that victims face multiple challenges without specific accessibility and participation rights. A victim of terrorism should have legal right to accessibility and participation in all procedures of state agencies. The right to express their concerns in the judicial proceeding should also be respected. Moreover, a victim should have also a right to media representation. A victim should have a right to silence in case of any media trial of a case. The criminal justice needs of the victims refer to their rights to fair and humane treatment by state agencies, provision of free legal aid, victim impact statement and victim participation at all stages of criminal justice process. The cross-boarder needs of the victims are more complex and challenging in the absence of specific legal rights to the victims belong to foreign nationalities. It is proposed that a victim belonging to any nationality should be entitled to all victim rights in the host state in addition to right to free transportation to home country and also right to file civil suits in case of inadequate reparations. All these rights should be incorporated in Victim of Terrorism Act and certain amendments should be made in substantive and procedural laws of the country to create a harmony in the legal framework. The executing agencies should be responsible for the implementation of these proposed rights. The enactment of certain rights cannot bring the desired results unless certain guidelines have been provided to the executing agencies. The National Office of Victim Services should issue specific guidelines for the executing agencies. These guidelines should define the role and responsibilities of each office in related organizations. It should also include the job description of each office bearer for legal clarity.



During data analysis, it was observed that 85.7% of the interviewees reported their financial needs that reflect inadequate provision of financial support without making any assessment with participation of victims. It was also observed that provision of financial assistance in different provinces lacked uniformity. It is recommended that federal government should keep a special victim services fund at the disposal of National Office for Victim Services (NOVS). Similarly, the provincial government should also allocate a specific fund at the disposal of concerned POVS. The provincial governments should make proportional grants to the districts in view of number of victims and frequency of acts of terrorism. Supplementary grants should be made to specific districts because of repeated acts of terrorism. A victim support fund should also be maintained in each political agency of Federally Administrative Tribal Areas. The federal government should provide supplementary grants to FATA Secretariat for further appropriations to concerned agencies for the compensation of large number of victims in FATA. The District Office of Victim Services should disburse all victim related expenditures including compensation. All the confiscated property or money from the terrorist networks should also be added to this fund. The compensation to the victims of Law Enforcement Agencies (LEAs) should be provided by the concerned agency through its government. Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2012) recommends, “*The principle of State responsibility is at the core of the right to reparation*” (Para 49). It is recommended that compensation package to the victims of terrorism should be based on a formula that should be applicable to all victims irrespective of territorial jurisdiction, religious affiliations, or any other political consideration. The valuation of compensation money on the basis of income and age is not recommended in view of governance challenges related to impartiality and neutrality of state institutions in the country. Moreover, the standardized formula will bring harmony and uniformity in the provincial policies of different federating units. The given specifications

should be considered as bare minimum and any provincial government can increase amount of compensation in view of special needs of the victims. It is also recommended that civilian victims of terrorism should be given compensation on the same formula as it is provided to victims belonging to law enforcement agencies. The financial support to the civilian victims of terrorism at par with victims belonging to law enforcement agencies pertains to their equal constitutional rights as citizens of the country. The District Compensation Board should be established under District Office of Victim Services. It should consist of all relevant representatives of government agencies working in the district. The board should verify the facts about human and financial losses. The district office will issue compensation order after the recommendation of the board. The overall process of compensation should not take more than one month since the submission of claim application. The victims from law Enforcement Agencies should claim compensation from their respective organizations within one month. Any delay in provision of compensation should be dealt with proposed Victim Justice Office (VJO).

During this study, it was also observed that acts of terrorism are more concentrated in specific areas of the country. It is recommended that government should also initiate the system of collective compensation and rehabilitation to more affected areas as in case of FATA and Balochistan. In view of empirical evidence, it is clear that civilian population in Federally Administrative Tribal Areas and Hazara community in Balochistan had been the repeated targets of terrorists groups in last ten years. The damaged infrastructure in FATA and Balochistan requires special attention of the government. The collective compensation should not be disbursed to few individuals but the amount allocated should be spent on infrastructural development in view of victim needs of a particular area. The community representatives should be involved in the process of making financial assessments and defining priority areas

for allocations. The rehabilitation plan in FATA should focus more on reconstruction of health and education system in the area. The Federally Administrative Tribal Areas (FATA) of Pakistan should be given the status of a province with constitutional amendments in articles 1, 51, 59 and 247 of the Constitution of Pakistan, 1973. The federal government should provide financial support through special grants to the tribal region for at least initial five years to establish infrastructure to achieve the status of a province. The Provincially Administrative Tribal Areas (PATA) of Pakistan should also be included in the formal administrative system of the provincial administrative structure. The political administration in respective political agency should be replaced by the district administration as in other parts of the country. Each Political agency should be treated as a functional district and the office of Political Agent (PA) is to be replaced by the office of Deputy Commissioner. The Provincial Local Government Ordinances (LGOs) should be extended to tribal areas of Pakistan and the system of local government should be placed in each agency through the local government elections. A formal legal system with proper district judicial set-up should be established in each political agency of FATA with a High-Court Bench at the capital Headquarters of tribal region. The obsolete system of Frontier Crimes Regulations, 1901 (FCR Amendment, 2011) should also be replaced by proper legal system as in other parts of the country. A formal system of district police should be established in each political agency of FATA to establish the writ of state in the tribal areas of the country. A separate police Headquarters in the capital city of tribal regions should be established with proper infrastructure. A military cantonment of FATA should be established for better security against cross-border infiltration and sense of protection to the common citizens. All the unregistered Afghan immigrants and other foreigners should be returned to their homeland. There is need to strengthen the border areas with a permanent border security forces in future. The old institution of tribal council (Jirga) should be revived to

preserve the traditional heritage of tribal people. The tribal council should be engaged to facilitate the process of rehabilitation of victims.

The Victims Tax Relief Act, 2001 was enacted in the United States after September 11 incident. It provides exemption from income tax to any person who dies as a result of an act of terrorism or injured. On the same principle, it is recommended that victims of terrorism in Pakistan should also be given tax exemptions. The victims of terrorism in all categories should be given tax exemptions for initial period of three years after the incident of terrorism. The provision of exemption will start with effect from the promulgation of Victim of Terrorism Act. The federal and provincial governments should waive off already pending liability against the victims. Moreover, the amount of compensation or any other financial assistance should not be treated as income. In case of death of primary victim, one of the guardians responsible for the financial care of the family members can avail this opportunity. The Central Board of Revenue and provincial tax departments should devise the mechanism to file such claims.

During data analysis of this study, it was observed that average income of interviewees' family was Rs.19, 744 (US\$197.44) that reflect the low financial position of the victims. It is recommended that district governments under financial grants of provincial and federal governments should announce special loan scheme for the victim families that have monthly cumulative income of less than Rs.50, 000 (USD500). It is recommended that District Compensation Board should make special assessments about the financial conditions of each applicant and a claimant should be entitled for a loan of Rs. 500,000 (USD5000) for direct victims and Rs.200,000 (USD 2000) for indirect victim in addition to the financial compensation. This loan will be interest free with an objective to facilitate the rehabilitation process by generating a small business activity.

Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2012) recommends “*States should actively consider whether to legislate to prohibit the sale or marketing of life insurance policies that contain a exclusion for deaths resulting from acts of terrorism*” (Para 67 m). The federal and provincial governments should pass certain directions through regulations to the insurance outlets in the country not to deny insurance cover to any person and organization in view of terrorist threats. The culture for insurance should also be promoted in the country to enhance the sense of financial security. The Pakistan State Life Insurance Corporation should announce general insurance schemes for the citizens living in FATA and Balochistan.

Symposium on supporting victims of terrorism (2008) recommends *establishing easily accessible health services that can provide victims with comprehensive support over the short, medium and long term*. During data analysis, it was observed that 60.4% of the interviewees reported their medical needs. All the direct victims of terrorism should be entitled to free medical treatment in government and private hospitals. Special instructions should be issued to all private hospitals to provide free medical services to the victims of terrorism under social corporate responsibility. In case of denial, penalty in the form of fine can be imposed on such institutions. The Pakistan Medical Council (PMC) in collaboration with provincial and district health departments should implement this scheme. Any victim who is refused free medical treatment can file a complaint at District Office of Victim Services and Victim Justice Office. The holders of victim entitlement cards should avail free medical treatment at government or private hospitals as per their own choice without any interference from any party. The victims should also be entitled to claim expenditures related to medicine and DOVS should reimburse such claims after verification not later than thirty days. All the Combined Military Hospitals (CMHs) should also provide free medical services to the victims of terrorism. In case of remote

areas in FATA, the medical Army units deputed in counterterrorism operations should also provide free medical treatment to civilian victims. In all cases, priority should be given to children, women and aging adult victims. There should be no bar to geographic locations because some specialized medical facilities like burn units and orthopedics and their specialists are located in big cities. Any victim can avail medical facility in any part of the country. The transportation of any injured victim for medical treatment to any advance medical facility should be arranged by District Health Officer (DHO) and such victim should be provided free of cost ambulance service. Any victim suffering from any health issue related to his or her participation in rescue and relief operations after an act of terrorism should also be entitled to avail free medical treatment after due verification.

### **Emergency Management System**

During interaction with victims of terrorism in Pakistan, it was observed that proper planning, coordination and systemic approach were lacking in the emergency management after an act of terrorism. The Ministry of Interior should design a system on the pattern of National Incident Management System (NIMS) in USA for providing a national framework to deal with acts of terrorism at a large scale. The consequence management should focus on command and control structure, preparedness, resource management, communication and information management and supporting technologies (Federal Emergency Management Agency, 2004). The District Emergency Command System (DECS) should operate at the district level to deal with any act of terrorism. It requires planning, training and periodic exercises by all relevant institutions. The personnel qualification to deal with such eventuality should be mandatory at the level of Incident Commanders and first responders in rescue and police services. A detailed protocol with Standing Operating Procedures (SOP) for all related institutions should be explained in the proposed DECS. The main focus of the plan should be

effective coordination for timely evacuation, crime scene protection, emergency medical treatment, provision of information, media handling, initial investigation, and early compensation to the victims related to burial expenditures. Any incident of terrorist activity with small magnitude should be handled by the DECS. National Emergency Command System (NECS) should only be invoked in case of a large-scale terrorist activity with repeated acts of violence in a particular region as in case of FATA and some parts of Balochistan. The limit should be decided by the district and provincial governments in view of their capacity and resources to deal with any incident of mass casualty or terrorism. District Emergency Command System (DECS) should define the operating and administrative aspects of management of any emergency situation in a particular jurisdiction and the district government will be exclusively responsible to handle any emergency situation including a terrorist activity. The provincial governments should designate competent Commanding Officers (COs) in respective districts to supervise this role and due consideration will be given to the professional background, experience, training and emotional stability in the selection of COs. All the designated Commanding Officers are required to undergo a rigorous training in emergency management for at least four weeks with periodic refresher courses. These trained officers will also act as master trainers for developing training facilities in the respective districts for the training of other public safety officials. The provincial government should also issue well thought-out action plans for the districts to follow the exclusive guidelines for multi-agency cooperation and integrated decision-making. All the concerned departments including the POVS should be involved in this process. Each district should assess its level of preparedness in view of available infrastructure, financial capacity, technical resources and qualified staff to deal with any incident of emergency. Each official working in emergency management should be assigned with a designated supervisor who will further report to the Commanding Officer (CO) for creating a better and efficient span of control. A Unified Emergency Management

Command Post with representation of all agencies should work near the incident of terrorism under the unified command of designated Commanding Officer. No single agency should be allowed to establish its own command post separately. Inter-agency cooperation, sharing of resources, integrated communications; logical decision-making and proper accountability are basic considerations for creating a unified command post. Eight designated teams should work under the direct control of a Commanding Officer with their respective supervisors. Following teams are recommended to be part of incident command structure.

- A. Crime Scene Protection Team
- B. Rescue and Evacuation Team
- C. Investigation and Forensic Team
- D. Victim Family Liaison Team
- E. Media Management Team
- F. Coordination and Information Management Team
- G. Resource Mobilization and Deployment Team
- H. Monitoring and Supervision Team.

All the team members should be selected from the respective agencies with their designated supervisors. They should follow the directions of the concerned CO rather than their own district bosses. The Commanding Officer should not be interfered by the upper hierarchy and he or she should take judicial decision without any political consideration. He will be supported by a designated Deputy Commanding Officer to assist him or her in the discharge of duties for availing rest hours in case of long rescue and recovery operations. A separate checkpoint for media should be established by media management team to provide them opportunity for coverage and due consideration should be given to preserve the sanctity of victims in media representations. The district and provincial offices of victim services should



adopt special measures to educate the public about these guidelines to avoid any breach of basic rules of public safety after an incident of terrorism. Most of the interviewees expressed lack of guidance on the part of government institutions after an act of terrorism. Almost all developed countries have established proper referral system for the guidance of victims. It has two basic benefits. On one side the victims have clear knowledge about the role of concerned institutions. Moreover, it also consolidates the governmental actions aimed at improving the conditions of the victims. The District Office of Victim Services (DOVS) should be responsible to design a referral system for the victim services in its jurisdiction. It can be published through a brochure with clear procedure and complete contact information of concerned organizations. A Family Liaison Center (FLC) should be established in DOVS after an incident of terrorism. The nominated community representatives should also be available in this center for better coordination between government organizations and victim families. In case of long distances, such facility can be established at a suitable place near the crime scene. The family liaison center should work for at least consecutive three days in three shifts after an act of terrorism. Its duration can be extended in case of complicated rescue and recovery operation. There is also need to develop professionalism regarding victim services within different government institutions. Specialized Victim Support Officers should be designated in health emergency service, police, prosecution and judicial wings. They will act as direct contact point between the victims including their family members and state institutions. The Victim Support Officers (VSOs) should plan and further coordinate their activities for the wellness of victims at each stage of victim services and criminal justice process. VSOs should be carefully selected by the head of respective agency in view of the professional and educational background, past experience, skills and attitude of the officers. He or she should be posted in this designated position for not less than three years to institutionalize this system. The training and coordination wing of DOVS should conduct specialized training programs for these officers.

Both basic and advance training should be provided to VSOs after conducting their training needs analysis (TNAs). They should be trained in crisis intervention, victim laws and procedures. They are expected to demonstrate the highest standards of professionalism with courteous and respectful attitude towards victims and their families. They should act as a bridge between victims and concerned agencies but at the same time, they will help the victims to peruse their statutory rights in collaboration with DOVS. Priority should be given to nominate female Victim Support officers for female and child victims. It will be more comfortable for such victims for accessibility and sharing purpose. All VSOs should be well versed with required linguistic and cultural needs of the victims and their community members. They should be issued special official cards by their concerned department for identification and further coordination with all concerned agencies and their profiles with complete information should also be maintained by the DOVS and POVS at district and provincial levels respectively. VSOs should also create a system of volunteers in their respective jurisdictions. These volunteers should be selected within the community members of the victims to coordinate further activities. The training institutions of all units of criminal justice system and that of health and rescue organizations should train the Victim Support Officers (VSOs). Special focus of the training should be on victim rights and crisis intervention techniques. A separate module on victimology and victim assistance should be incorporated in the existing curriculum of all promotion courses in police, prosecution and judicial branches.

It was observed during this study that 42.6% of interviewees reported their psychological needs. The National office of Victim Services should issue special guidelines in both English and Urdu for victims of terrorism to deal with trauma. In case of FATA and Balochistan, such guidelines should be published in local regional languages. The Victim Support Officers should also explain these guidelines verbally to the illiterate victims who

cannot read and write. Federal Bureau of Investigation (FBI) has issued detailed guidelines for the victims to deal with trauma after an act of terrorism (FBI, 2016). Trauma creates fear anxiety, flashbacks, anger, insomnia, depression, isolation and many other psychological problems. It requires courage and determination to face these challenges. It was reported by majority of interviewees in this study that religion was one of the most important healing factors in their lives. Victims can visit religious institutions and also get guidance from religious leaders. Victims should try to reside with family and share feelings of anger or guilt with someone very close in life. It is recommended to the victims not to suppress emotions and not feel hesitation to cry. It should be advised to victims not blame themselves in case of victimization. Bad times can come to anybody. A victim is not a specific selection. It should be advised to build self-esteem (FBI, 2016). A victim should enlist things that make him or her sad. Such things should be avoided. It is advisable to engage in daily exercise and take plenty of water to make body to adjust to changing circumstances. It is always better to involve in some social activities and do not sit idle. One should try to identify favorite hobby and spend time. Expressing one's feelings through writing, painting, music or other positive activities is also recommended. Singing helps a lot in healing. A victim should be advised to learn something new that is interesting. It can be a new topic to read or yoga classes in the locality. Maintaining a personal diary to write story or personal experience in the process of victimization is always helpful. It is not advisable to rely on medication on permanent basis. It is better for victims to develop a daily time management chart with time logs for daily routine and take vacations for few days and change the place. It is also helpful to involve oneself in community programs or family gatherings. A victim should not be kept in isolation. Trust on colleagues, friends and family members has early chances of psychological recovery. It is recommended for a victim to always go for a reality check rather than gut reactions as it was after the incident (FBI, 2016). It is recommended to seek help of a trained psychologist in case

of abnormal sleep, nightmares, persistent depression and other psychological complications. The Victim Services Helpline for any immediate threat should also be consulted. It is recommended for the provincial and district governments to keep trained psychologists in areas with repeated acts of terrorism for psychological counseling of the victims.

### **Victim Participation and Privacy**

The victim participation in court proceedings also remained a neglected area of focus in the criminal justice system in Pakistan. It was observed that only 10.86% of the interviewees reported their participation in the court proceedings after an act of terrorism. The victim participation does not refer to only court attendance as witness. The interviewees expressed certain issues related to their privacy, protection and other facilities in the court proceedings. It is recommended that victims of terrorism should be entitled to protected communication in the court proceedings. A separate waiting area should be allocated in the court to ensure his or her protection. In case of multiple victims, an extra security measures should be adopted on route and inside the court. The victim should be provided an opportunity to express his or her concerns at the time of bail, parole, or release of the offender in terrorism cases. An antiterrorism court or any other court should be established at a safe place in view of the threats attached to the lives of victims, judges or any other victim service providers. Special order for virtual court should be issued in view of extreme security conditions. The electronic recoding of any evidence with reference to victims should be done after taking utmost precautionary measures for privacy of record. Any victim of terrorism should have a right to keep a support person when testifying in the court. The provision of support person in case of child victim should be mandatory in court proceedings.

It is recommended that the right of victims of terrorism to privacy and respect for their family life should be protected against unjustified intrusion (Report of the Special Rapporteur,

2012, Para 45). It is the duty of service providers including officials of government and non-profit organizations to maintain confidentiality and privacy of any classified information about the name, address, ethnic orientation, religious belief, nature of employment, and family members of the victim to avoid threats attached to the process of victimization and its after-effects.

Presently, there is no provision of victim impact statement in Pakistan to record the human and financial loss suffered by the victims. Almost all states in USA allow for victim impact statement in sentencing process (National Center for Victims of Crime, 2016). It is recommended that victim impact statement should be the mandatory part of case file in the investigation of all terrorism cases. The victim or any other related person (in case of an illiterate victim) would be authorized to write the Victim Impact Statement (VIS). Two or more community representatives to highlight the impact of terrorism on the overall community should record the community and neighborhood victim impact statement. The guidelines for writing the statement should be provided to the victim by the Investigating Officer (IO). The Victim Impact Statement is the collection of written or oral account given by the victim to the court. It offers an opportunity to the judicial officer to understand the physical, psychological and financial damage done to the victim as a result of incident of crime or terrorism (Government of Western Australia, 2016). It also provides an opportunity to the victim to participate in the judicial process at sentencing stage. How the incident affected victim, family and community? What was the financial impact of this incident on life? What was the physical impact of this incident? What was the psychological impact of this incident? These are the questions that should be explained in a victim impact statement. It should also narrate the psychological issues as a result of crime or an act of terrorism. The Victim Impact Statement should not very lengthy. It is better to write in a simple language that is understandable to the judicial officer.

One should avoid repetitions and lengthy paragraphs. The contents of victim impact statement should be descriptive. The objective is to facilitate the judicial officer to understand the impact of victimization. It is better to avoid showing anger or agitation in the written and verbal expressions of VIS. It is always recommended not to use threatening, derogatory or abusive language in the statement. It will tarnish the image of victim and can eventually affect the sentencing process. The victim should try to avoid dictating the judicial officer about the degree of sentencing to the offender. It also develops a negative image of true feelings. He or she should also try to avoid blaming oneself in the victim impact statement. Self-blaming is of course a natural reaction but it is recommended to fix the responsibility of the offender for victimization. It is also recommended not to write or say anything in victim impact statement that does not intend to make public. In some situations, victim impact statements are made public. A victim should seek guidance from concerned Victim Support Officer or any friend or colleague while writing this statement. If victim feels hesitation to read or describe this statement, one can request the judicial officer to allow any other person from your family members, colleagues or friends to read it.

### **Information System**

It is recommended that victims should be given timely, accurate, and complete information about rulings, verdicts, appeals, and the availability of compensation programs (Madrid Memorandum on Good Practices, 2012, Good practice 16). It has been established through data analysis that absence of information to the victims is the most alarming aspect of victim services in Pakistan. Only 2.17% of interviewees had acknowledged that they were provided information by government institutions. The evidence also suggests devising a comprehensive system of victim services at local level. A special emphasis is required to provide a system of information for the victims of terrorism through a notification system. The

District Office of Victim Services (DOVS) being a core implementation body of victims' rights should ensure the implementation of proposed notification system. It is recommended that government institutions and service providers should provide following twenty notices to the victims of terrorism starting from the crime scene to the post conviction stage.

1. Notice of Rights: Each victim in all categories should be informed in writing about the victim rights immediately after an act of terrorism or crime. In case of death and critical condition of the victim, the immediate relative of the direct victims should be informed about his or her legal rights. A detailed briefing of all these rights should be given by a Victim Support Officer nominated for each case.

2. Notice of Personal Belongings: All the details of the personal belongings of the victim should be given to the victim or a family member.

3. Notice of Referral System: The information unit of DOVS should give a notice about the existing referral system with names and contact details of all representatives of concerned departments.

4. Notice of Registration of Case: The local police should immediately inform the victims of terrorism about registration of police case. The copy of First Information Report (FIR) should be provided to each victim. In case of multiple victims, the Station House Officer (SHO) should follow a standardized format in the respective jurisdiction.

5. Notice of Data Privacy: The victims should be informed in writing that his identity, ethnic origin, address and other personal details will be secured with government organizations. The proposed DOVS will also issue this notice.

6. Notice of Personal Safety: In case of genuine reason, the victim should be informed by the security branch of district police office about the exact nature of threat to his or her life or any

of family members. On receipt this notice, a victim should be entitled to seek adequate security for a specific period of time.

7. Notice of Dealing with Trauma: DOVS should provide a detailed notice of guidelines to deal with trauma.

8. Notice of Investigation Status: Each victim should be apprised by the investigation officer in writing about the current status of the case after every month till the final disposition of the case.

9. Notice of Victim Impact Statement: The investigation officer should give a special notice to the victim for his or her guidance to record facts in Victim Impact Statement (VIS).

10. Notice of Arrest: Each victim in terrorism cases should be informed in writing immediately after the arrest of offender in the case. The Station House Officer of police station will issue this notice.

11. Notice of Final Disposition of Case: The prosecution officer should serve a notice of final disposition of the case to each victim after submission of final report of investigation to the court.

12. Notice of Bail: The court should serve a notice of bail of the offender to every concerned victim.

13. Notice of Appeal: The investigation officer should inform the victim in case of appeal against the decision of the court.

14. Notice of Court Hearings: The name of court, place with exact date and time of hearing of case should be informed to the victim under all circumstances on every court hearing.



15. Notice of Release of Offender: The court should immediately inform the victim about the release of any arrested offender in the case and also record briefly the reason of release.

16. Notice of Sentence: The court should issue a separate notice to the victim at the time of sentence of the offender in addition to the court order. Each victim of related case should have the statutory right to get a copy of court order.

17. Notice of Sentence Modification: The Court of Appeal should inform the victim in writing about any modification in the previous sentence. The court should also mention the reasons of modification.

18. Notice of Parole and Probation: The court should inform the victim about the decision of parole and probation. The victim should also be allowed to present his or her grievances to the court before that decision.

19. Notice of Escape: The concerned department should inform the victim in case of escape of offender. The concerned agency of last custody of the offender should inform the victim about the escape and should also narrate the circumstances.

20. Notice of Compensation Order: DOVS should inform the victim about the compensation order after processing all legal formalities.

Symposium on supporting victims of terrorism (2008) recommends establishing “*a virtual networking, communication and information hub for victims of terrorism, Government officials, experts, service providers and civil society*”. The UN Victims of Terrorism Support Portal (2014) is an online web portal of victim networks and government institutions to provide a broad base of resources to victims, researchers and policy makers at international level. On similar line of action, a detailed web portal is recommended for the guidance of victims about victim services policy, national laws, referral system, victim rights, directory of victim services

organizations and other online sources in Pakistan. The contents should be presented in both English and Urdu to facilitate a large number of audiences. It should also display important case studies to highlight the conditions of victims. The National Office of Victim Services (NOVS) under the Ministry of Interior should manage victims of terrorism portal with updated data provided by all stakeholders. It is also recommended to establish protected websites and integrated short message service (SMS) for the victims of terrorism in Pakistan. The Provincial Office of Victim Services (POVS) should manage the protected websites with passwords exclusively meant for victims. The incidents in each district of the province should be recorded on these web sources managed by all provinces and regions. In view of large number of cellular users in victim population, DOVS should also update the information to victims in all categories through an integrated short message service (SMS). The proposed Information and Notification Unit of DOVS should perform this function. The personal cellular contact information of each victim or that of a nominated representative should be stored in a database that will further transmit both bulk and individual messages for the awareness of the victims. The District Office of Victim Services should also establish an active helpline with free access number for providing guidance to the victims. Almost all developed countries have established helplines for the guidance of victims. In USA, a number of helplines are available for different categories of victims (Office for Victims of Crime, 2016). The European Commission has established easily remembered helplines for different categories of victims (European Commission, 116 helplines, 2016). Rescue-15 for police and 1122 for health emergency are already functional in Pakistan but there is a need to establish a separate helpline for the guidance of victims of terrorism in the country. It is imperative to depute trained staff to deal with victims of terrorism. The service operators should also coordinate with other agencies for the help of victims in case of any confusion or delay. The helpline control room should run a sophisticated software and each call should be recorded for security purposes. The same

number of helpline should be used in all provinces and districts for easy publicity and clarity.

### **Victim Protection Scheme**

It is also recommended that states should adopt sufficient measures for the physical security of victims of terrorism particularly at trial stage (Good Practices in Supporting Victims of Terrorism, 2015, Para 97). During this study, it was observed that 81% of the victims reported sense of insecurity after an act of terrorism. The district police should initiate a special program of victim and witness protection in respective jurisdiction. The scheme should be intended to give protection to special victims in view of their organizational or religious affiliations or in case of direct threats from a terrorist group. The degree of threat associated to the life of a victim or a witness should be assessed by the district security branch and special branch of police in the district. On reports of security branch, the local police should adopt adequate security measures for the security of victims. Specialized security officials should be deputed for the protection of victims in case of collective representation of victims in the court. The judicial wing of district police should take extra-ordinary measures for the transportation of offenders and should not provide any opportunity for either offenders or victims to interact before or after court proceedings. The system of self-protection by an individual victim or a group of victims cannot be relied upon. It is the state responsibility to provide protection to victims and their families. The local community should also be involved in victim and witness protection scheme to integrate its role in providing solidarity and help. In no case, a community should be allowed to establish their own militia or armed group for its protection.

### **Education Facilities for Victims**

Terrorism affects all aspects of human life. Educational institutions especially of female education remained a target of terrorist activities in Pakistan. It affects the citizens' right

to education. As per article 25-A of the Constitution of Pakistan, 1973, it is state responsibility to provide free and compulsory education to children of age five to sixteen years. The victims in view of financial issues, mass migration and even damage to educational infrastructure suffer multiple challenges that need to be addressed in future policy framework for the victims of terrorism. It is recommended that a child victim should not be charged tuition fee by any government and private educational institution for at least initial three years after an act of terrorism. The private institutions should also extend this facility free of charge under social corporate responsibility and the Federal Ministry of Education and provincial ministries and departments should issue special instructions. As per already existing regulations, they are supposed to provide concession for the needy students. This provision should also be incorporated in the educational policies at federal and provincial levels. The private institutions of higher education should provide at least 50% concession in the tuition fee to the victims of terrorism. The young family members up to two members of each affected family should be entitled to educational scholarship in addition to waiver of tuition fee by the Federal and provincial Higher Education Commissions. The district government should be responsible to reopen the school in the same vicinity within a period of thirty days in case of damage to the building of school in any terrorist activity. The District Police Officer in consultation with management of institution should issue special security plan for each educational institution to define and meet the minimum-security standards. The district security branch should periodically review the security measures after every three months to avoid any terrorist activity. Special consideration should be given to the girls' educational institutions in view of previous history of acts of terrorism in the country. The National Vocational and Technical Education Commission (NAVTEC) of federal government and Technical Educational and Vocational Training Authority (TEVTA) of all provinces should launch special projects for

vocational training of victims of terrorism. Special emphasis should be given to female victims and youth to equip them with market driven skills.

### **Employment Protection**

The government should ensure employment opportunities and protections to the victims of terrorism in Pakistan. The country adopted all labor laws of British colonial government. Work's Compensation Act (1923), Factories Act (1934), Payment of Wages Act (1936), West Pakistan Social Security Act (1965), Workers Welfare Fund Ordinance (1969) and other subsequent laws do not specifically deal with issues related to victims of crime or terrorism. The loss of employment on the basis of disability has far reaching impacts on the lives of victims of terrorism. In this study, 28.26% of the interviewees were related to law enforcement agencies, 22.17% private business and 12.6% from labor class. The federal government has enacted rules for the service protections to the victims belonging to law enforcement agencies but certain regulations are missing for employers in private business. The Ministry of Labor and Manpower should issue guidelines to respective departments in the provinces and regions to facilitate the employment opportunities for the victims of terrorism. Joint programs with specific industries can be initiated in view of employment needs of the victims through public-private partnership. It is also recommended that already employed individuals should be given certain protections after their victimization by an act of terrorism. They should be entitled to long medical leave depending on the health conditions. The services of such affected employees should not be terminated on the basis of minor injuries. The nature of assignments can be changed in view of their medical conditions. They should also be entitled to draw full salary in both public and private sector. The continuation of job can only be withdrawn in case of mental incapacitation but they should be entitled to all other perks and departmental allowances.

### **Special Interventions for Disadvantaged Victims**

The Convention on the Rights of Child (1990) explicitly states that every child has the inherent right to life (article-6). It is also recommended that state parties should legislate to prevent any violence or injury against a child (Article 19-1). All victims under the age of 18 years should be treated as child victims in a special category with more consideration and priority in victim services. The government should launch special projects for homeless children as a result of terrorist activity. The District Social Welfare Officer should be held responsible in case a child victim engage in beggary or any other social ill. All concerned government institutions should adopt special measures to prevent human trafficking of child victims of terrorism in the country. No child victim should be deprived of health, education and family under any condition. Police, rescue workers, investigators, prosecutors and judicial officers should observe an extra-ordinary care in preserving the dignity of child victim. Child victims should be given priority in evacuation, protection and provision of all victim services. The District Office of Victim Services should make special arrangements for psychological counseling of affected children by employing the services of child psychologists. Each child victim should be allowed to keep a support person at each stage of health rehabilitation and criminal justice process. The cost of travel should also be reimbursed in case of transportation of injured child to a better medical facility. The government institutions should implement the right of adoption of a child victim after due legal and social considerations to ensure the welfare of the child. In normal circumstances, a child victim should be in the custody of close willing relative, otherwise the Child Protection Bureau should take the child in its custody up to age of 18 years. The district government should also make special efforts in collaboration with non-profit organizations to make arrangements for the welfare of child victims of terrorism.

The female victims of terrorism come across multiple challenges after an act of terrorism. The Committee on the Elimination of Discrimination against Women (CEDAW) urged the state parties to preserve the fundamental human rights of women in armed conflicts and post-conflict scenario (Human Rights Watch, 2012). During interviews with female victims of terrorism in Pakistan, it was observed that most of the female victims face severe financial burden after death of husband. The women victims of terrorism constitute a special category of victims that needs special attention by service providers in view of their vulnerability and marginalized role in the society. The provincial and district governments should also launch special projects for female victims especially belonging to FATA, KPK and Balochistan areas. The female victim should also be given priority in on-going welfare projects of the district government under social welfare department. They should be given priority in already explained victim loan schemes to facilitate the financial recovery of the victims. Efforts should be made to depute women victim support officers in cases of female victims. Apart from women, gender-neutral individuals should not be discriminated by any state agency in provision of victim services. The third disadvantage group after children and women are aging adults that also require special attention of service providers. Most of the legal enactments related to aging adults in the country are related to employees' old age benefits. The health and housing needs of the aging adults victims should be addressed on priority basis. It is recommended that Social Welfare Department of each district should make arrangements for such victims. They should be entitled to concessions in all travel expenses within the country and free medical treatment should be provided to them.

### **Internally Displaced Victims**

The Internal Displacement Monitoring Center (2016) has identified that 1.8 million people are physically displaced in Pakistan because of insurgency and counter-insurgency (IDMC,

2016). The majority of IDP camps exist in KPK province because of its proximity with tribal areas of Pakistan. According to Provincial Relief Commissionate, the number of IDPs increased to 2.18 million in eleven districts of KPK province as of May 18, 2016 (World Health Organization, Humanitarian Health Action, 2016). The IDP problem is not prevalent to all countries affected by terrorism but its intensity in Pakistan and now in Syria is proportionally much higher because of persistent violence. There is need of making special arrangements for internally displaced victims. The living conditions in already established IDP camps are not satisfactory. The documentary "*A Walnut Tree*" explains the conditions of victims at Jalozei camp near Peshawar (Associated Press of Pakistan, 2016). The provincial government should make effective arrangements to improve the conditions of IDPs. A separate facility for Internally Displaced People (IDPs) should be established with all basic facilities at a safe place for the victims of terrorism and their families in case of mass migration because of a military operation or repeated acts of terrorism in a specific locality. The provincial government should arrange the necessary transportation for affected people from their home to the IDP facility with adequate security. The site for the facility should be selected in view of accessibility, security and provision of basic amenities for the affected people. Each IDP camp should consist of a centralized control room with communication system, a police post, a designated security team, an operational hospital with a doctor working in three shifts, an elementary school, utility store with subsidized rates, basic sports and recreation center for the families and kids of affected people and a designated place for worship and other religious practices. The concerned District Police Office (DPO) should issue a special security plan for the safety of IDPs and service providers. Special efforts should be made to keep cleanliness and proper sanitation system in the facility. A system of proper registration with complete details should be maintained at the established control room. The movement of visitors and the registered people should be monitored through a proper system. The contribution of welfare



societies or forums should also be channelized with a centralized store within the facility and a designated storekeeper should maintain a proper inventory of all items. A camp should be assigned to a family of not more than four people including children. There should be a nominated representative of twenty-five camps that will constitute a small community. Allotment of camps should be made in view of priority of the affected families. A designated IDP facility should consist of not more than 200 camps at a time. In case of more victims, the government will establish a separate facility with same parameters to ensure better standards of services. The District Office of Victim Services (DOVS) should closely work with all representatives of the government departments. The non-profit organizations should be encouraged to initiate special projects for the welfare of the affected people at the facility. A separate account should be maintained to receive donations and financial support from the citizens and other donor organizations with a professional accountant to maintain record keeping of all transactions. A community Council should be established at the facility after selection of elders within the affected people with due representation of all concerned communities or tribes. Special religious and cultural events should be established with the help of community council. The district government should depute a gazetted officer as the overall head of the facility with a separate office at site for the administrative functions and he or she should not perform other official duties. Joint inspection of IDP facility should be done after every month by a joint committee with representation of all concerned heads of the district departments and the district government should send the periodic inspection reports to the concerned provincial government with specific recommendations. An IDP facility should be closed in a systematic manner with meticulous planning for the return of affected people to their homes through official arrangements of transportation.

### **Victim Associations and Advocacy**

Victims' associations play important roles including advocacy and lobbying for the rights of victim (Good Practices in Supporting Victims of Terrorism, 2015, Para-221). European Network for Victims of Terrorism (Europe), Asociación de Víctimas del Terrorismo (Spain), September Eleventh Families For Peaceful Tomorrows (USA), S.O.S. Attentats (France), Association for defending Victims of Terrorism (Middle East) and Global Survival Network (Jordan) are key examples of associations for victims of terrorism (See Appendix-G). The federal and provincial governments should collaborate with international, national and local non-profit organizations to create a network of victim support organizations across the country. There is need to create a synergy in the working of already established victim associations or forums. Special grants should be allocated by the government for such associations or registered forums in the neglected areas like FATA and Balochistan to facilitate the collaborative efforts. Any victim or family members should be legally entitled to establish a victim association or forum for the representation of the victims of terrorism. The government institutions should encourage such forums for more effective participation of victims in policymaking process. The role of victim in decision-making process is critical for developing an effective system of victim services in the country. A victim support association or network must be a registered as non-profit entity under The Societies Registration Act, 1860. No unauthorized organization should be allowed to participate in the victim services through any collaboration. The organization must have a mission statement with a constitution or written terms and conditions with solid purpose and description of desired area of service. The organization should undertake its activities in alignment with Constitution of Pakistan and they can undertake any project by its own resources not contrary to the sovereignty of the country. At least five members should constitute the executive committee of the organization with

proper designations and profiles. Any such organization should maintain proper record of financial transactions and can be checked by concerned government department for scrutiny of financial disclosures. No organization should be involved in any tacit or secret agreement with any foreign institution without disclosure of relevant information on the web sources or any other means. An internal and external audit system should be maintained by the organization through periodic audits of financial and social activities. Any lawful organization should be eligible to establish an alliance with any international donor organization after fulfilling the legal requirements. Such organizations can also be eligible for applying government grants to participate in any joint projects through public private partnership. Special focus should be given to capacity building of the working staff in the field of victim services and understanding of issues and challenges faced by the victims after an incident. Such organizations are encouraged to hire the services of experts in the field of victimology and victim services. Such organization should be empowered to express the genuine concerns of the victims through legal rights of freedom of expression and assembly and the government should respect these constitutional rights. Any victim support organization should seek the support of district government, local police and DOVS in case of security threats posed by any banned militant outfit or any other person or entity. The objective of any victim support association or network is to support the government institutions and other stakeholders to facilitate the process of rehabilitation of the victims of crime and terrorism. All the activities and projects of any such entity should be focused to achieve the common goals.

### **Public-Private Partnership**

It has been observed that government remained important source of victim services after family and community for the victim of terrorism. The public-private partnership can bring more effective results. The federal, provincial and district governments should plan and

execute separate projects in collaboration with international, national and local non-profit organizations. Such projects can be area specific, community focused or to address the educational, health, housing or any other special need of the victims. Any project with public-private partnership should be meticulously planned with sharing of information, resources, trust and even power in some cases. The hasty collaboration without planning can be counter-productive to achieve the common goals. The partners in non-profit sectors should be scrutinized in view of past record and their capability to undertake the joint collaboration. Governance, administration, organizational autonomy, mutuality and norms play a vital role in successful collaborations (Thomson and Perry 2006, p.20). The national, provincial and district offices for the victim services should issue certain guidelines for the non-profit organizations to initiate and design specific projects. The government and non-profit organizations should undertake specific projects of victim services in disadvantaged localities and communities that have been neglected in the provision of effective services by the concerned stakeholders. A victim service project should be undertaken by a lawful entity after fulfilling all the legal requirements. A project should be specific to deal with a particular area of victim needs. It is not appropriate to state the generic goals of the project that will be eventually end up with no specific results. An effort should be made to focus on those areas that have been neglected by the government institutions. The more demanding areas can be health and education related issues of the victims. It is always better to give brief history, knowledge and skills of the office bearers and previous experience related to project for establishing credibility for the donor organizations or government institutions. The technical points related to description of the organizations, problem statement, project planning with specific activities, resources, responsibilities, deadlines, budget and indicators of success with a system of monitoring should be discussed in any good project on victim services for the victims of terrorism. The services of the experts in project management can be hired by the organization for improving

the quality of a victim services project. The supporting documents related to the organization, its staff and financial and legal parameters of the project should also be given with the project. It is always better to quantify the targets and results of the project. The duration and goals of the project should always be in alignment with existing resources, skills and capacity of the organization. Any ambitious project without preparation and resources can be non-productive. The direct participation of victims and their families is important for any successful project. It is logical that some projects particularly in terror-ridden areas are difficult to undertake. The involvement of victims and their families with other local people can facilitate the process of service delivery. It is always better to hire the field staff from the related community to safeguard the cultural and security concerns. Special considerations should be given to the cultural values of the targeted victims. The consent of the family and its elders is required for the participation of women victims in some cultures especially in Federally Administrative Tribal Areas and Balochistan. Collaboration is a key to success in any victim services project with involvement of victims, community and government institutions.

### **Media Representation and Social Acknowledgement**

It is recommended that victims should be informed of their rights in relation to the media (Good Practices in Supporting Victims of Terrorism, 2015, Para 187). The Ministry of Communications, Pakistan Electronic Media Regulatory Authority (PEMRA) and Associated Press of Pakistan (APA) should issue guidelines to the media for effective representation of the victims. The element of confidentiality and privacy should be observed in electronic and print media in case of threats attached to life of a victim or a family member. Media personnel should not exert undue pressure for the statement of victims. No media representation should display derogatory or discriminatory contents that affect the dignity and chastity of victims or their families and communities. Social acknowledgement of victim of terrorism helps

developing a counter narrative on terrorism. It is recommended that state and society in Pakistan should make efforts to recognize the identity and social status of the victims of terrorism. It has been observed that only one third of the interviewees has reported positive feedback on issue of social acknowledgement. The Capital Development Authority (CDA) should establish a national memorial for the victims of terrorism in Islamabad near Faisal Mosque or any other suitable place. The name and pictures of some notable victims should be displayed at this memorial. The international and national dignitaries including common citizens can pay homage to the victims. It is also recommended to establish a museum for victims of terrorism at a subsequent stage to give a permanent name to them in the history of the country. It is proposed that 16<sup>th</sup> December should be declared as victims' Remembrance Day in Pakistan with reference to killing of 134 innocent school children by terrorists in Peshawar. The federal and provincial governments should issue notifications to officially declare this day as a day of remembrance for the victims of terrorism and also arrange functions in schools and government offices to observe this day with participation of victims and their families. The government should also acknowledge the role of victims in preventing terrorism with a civilian victim gallantry award. This award should be nominated after a scrutiny committee to be established by the federal government. The district and provincial governments can make the initial nomination after verification of facts. The award holder should be given a special certificate personally signed by the Minister of Interior with a cash reward. Moreover, the award should be given by a public figure in a ceremonious way to highlight his or her sacrifice.

The representation of victims through art and literature is another way of establishing counter narratives against terrorism and has its social impact to raise the concerns of victims. The Inter-Services Public Relation (ISPR) office of Pakistan Army has facilitated a number of

projects to publish literature and telecast videos especially after APS attack in Peshawar but the policy initiatives on the part of federal government are not focused on this aspect. The academic institutions should facilitate growth of art and literature to highlight the impact of victimization on the lives of victims. The role of victims should be appreciated through poems, paintings and other pieces of art and literature. The regional languages and literature can bring more desired results with involvement of writers, poets and artists. The National Arts Council in collaboration with National College of Arts (NCA) should initiate a project to highlight the plight of victims of terrorism through national and regional exhibitions. Annual Painting exhibition on victims of terrorism should be arranged with participation of victims including national and international dignitaries. The regional literary societies should also focus to develop literature with involvement of youth in academic institutions to create an environment of empathy and emotional connection between victims and society. The Pakistan Television should produce a detailed documentary on victims of terrorism in Pakistan to explain the impact of terrorism on the lives of innocent citizens.

An opportunity of victim feedback should be provided to each victim after every three months for initial one year after an act of terrorism. In second phase, the victim feedback about the quality of services should be received after every year for a period of five years. The victim feedback should be provided on a prescribed format designed by NOVS and it should be circulated to all provincial and district units. The draft of victim services feedback performa is also given at appendix-H. The protected websites and Victim of Terrorism Portal should also provide an opportunity to send their complaints and feedback at any time. All the formal feedbacks should be compiled in a database to assess the gaps in already provided services. The empirical results drawn out of feedback analysis will also have impact on better decision-making process to improve the level of victim services. A victim services checklist should be

designed in alignment with victim feedback format but the District Office of Victim Services (DOVS) should record feedback on separate checklist for each victim. The National Office of Victim Services (NOVS) should design the victim services checklist on a specific format that should be circulated to all districts and provincial units. The checklist should elaborate all aspects of victim services at each stage of criminal justice process in addition to medical, protection, information, participation and financial needs of the victims. The Interior Ministry through NOVS should exercise the overall monitoring of victim services at national level. The Director of NOVS should submit its annual report to the Ministry of Interior that will be subsequently submitted to the Prime Minister of Pakistan. The annual report should also be made public for the knowledge of victim service forums, victims, policy makers, researchers and international organizations including United Nations. The Provincial Offices of Victim Services should exercise its monitoring role at provincial and district level respectively. Any violation of proposed policy by any government official should be dealt on administrative grounds with efficiency and discipline rules of federal and provincial governments. The Victim Justice Office should exercise judicial control to seek compliance of stated victim policy and victims' rights. The flowchart of monitoring system of victim services at different levels is given at appendix-I.

### **Cross-Jurisdictional Support**

The Criminal Justice Response to Support Victims of Acts of Terrorism (2011) states *“Due to the transnational effects of acts of terrorism, it has become increasingly important to establish cross-jurisdictional links that facilitate the functioning of victim support mechanisms, such as those related to compensation, beyond national boundaries”* (Para 280). Any citizen of Pakistan should be entitled to victim services including compensation if he or she becomes the victims of terrorism in any part of the world in case compensation is denied or not available in



other jurisdiction. The people with dual nationalities should also be entitled to avail compensation in Pakistan, if not provided by the host country. The Pakistan Embassy in the host country should coordinate with National Office of Victim Services to provide victim assistance through its Welfare Attaché to Pakistani Citizens that become victim of international terrorism. It is also recommended that victims of terrorism belonging to foreign nationalities should also be entitled to victim services if they become victims by any act of terrorism on the territory of Pakistan. The same formula of compensating should be applied to victims of foreign nationals as that of Pakistani citizens. The National Office of Victim Services (NOVS) should coordinate with relevant embassy for the transportation of injured or deceased victims. A special unit of NOVS will deal with issues related to victims of foreign origins. Special visa facility should also be offered to the family members of such victims to travel to Pakistan on emergency basis. Pakistan should focus on the regional collaborations at two levels to seek solutions to the problems faced by victims of terrorism through mutual agreement. In South Asian perspective, South Asian Association for Regional cooperation (SAARC) is the most viable regional forum to engage the national governments to provide an opportunity to develop the regional network of victims of terrorism. The Foreign office of Pakistan should make special efforts to host the regional conference on victims of terrorism to create better understanding on the issues of victimization by the acts of terrorism at regional level. The victims across the borders through victims support organizations should be encouraged to participate to seek collective response to the problems of similar nature. The cross-border issues of victims of terrorism should also be addressed in these regional collaborations. The second opportunity of regional response lies in developing a network of victims of terrorism of Islamic countries in Organization of Islamic Countries (OIC). Special representation of non-Muslim victims should also be made to create a unity for inter-faith collaborations. It is important to develop regional guidelines on the pattern of Madrid Memorandum of Good

Practices for Assistance to Victims of Terrorism at both SAARC and OIC levels. The South Asian Network for Victims of Terrorism and Islamic Network for Victims of Terrorism can be developed as effective regional networks for the support of victims of terrorism. Special efforts should be made by the government of Pakistan to undertake exclusive agreement with other regional organizations to deal with cross-border issues and to seek technical assistance to improve the victim services in the country through exchange of knowledge, skills and expertise in the field of victimology. Lastly, it is recommended that Pakistan as a country should take an active role in international action to protect victims of terrorism by adopting a normative framework to protect the rights of victims (Report of the Special Rapporteur, 2012, Para 66). The proposed policy recommendations on victims of terrorism in Pakistan are in conformity with guidelines provided by the international instruments and constitutional obligations in the country.

The above described policy framework is a detailed set of new initiatives for all concerned stakeholders in government, international bodies, non-profit organizations and community to improve the standards of victim services for the victim of terrorism in Pakistan. Although, some of the initiatives have been recommended in view of peculiar needs of such victims in the country but it can be replicated in Iraq, Afghanistan and other countries confronting the same menace at a large scale. There will be certainly critical evaluation of each recommendation regarding its adoption, capacity issues, resource constraints and some administrative and legal impediments. It may be considered, as an ambitious policy framework in view of the financial allocations and social complexities. However, the scope of recommendations cannot be restricted in view of any existing challenge. The first expected criticism will be regarding huge financial resources required to adopt all these recommended measures. Its counter argument can be developed by reference to the financial investment in

counterterrorism measures. About two-third of US aid (US\$ 15.8 billion) to Pakistan from 2002 to 2012 was related to security and counterterrorism out of which US\$10 billion were received for gadget, training and capacity building since 2002 (Siddique, 2012). It establishes the fact that lack of focus and planning on victims is the basic issue rather than financial capability of the government. Secondly, the concept of comprehensive victim services is beyond the provision of compensation only. The financial compensation is only one aspect of this multidimensional paradigm. There is need to provide proper infrastructure to deal with all aspects of victim services as already discussed. Third, the already established institutions like emergency organizations, police units, and prosecution offices have been given additional tasks to perform their duties in a better way. Moreover, most of the recommendations do not involve huge budgetary allocations. The enhanced role of victims in decision-making process and effective participation of victims in criminal justice proceedings do not involve huge financial cost for the government. Similarly, recommendations pertaining to information system and psychological counseling to the victims are cost effective. The initial costs are involved in establishing the basic infrastructure and it can be used for both victims of crime and that of terrorism. Terrorism can be a temporary challenge but it is important to heal the historical trauma because of repeated acts of terrorism in last thirteen years. The country also needs to start with a comprehensive response to the challenges faced by the victims of crimes on a permanent basis. Keeping in mind its generic application for all categories of the victims, an elaborate structure of state institutions has been recommended to deal with the future needs of the victims. Political will is the fundamental pre-requisite to execute the proposed policy recommendations. It is only possible through more awareness, advocacy, effective media representations and direct interventions of the victims themselves through non-profit organizations and victim forums. Although, counterterrorism remained a top priority of government but there is need to understand the impacts of terrorism in more empirical ways

and to adopt certain measures in view of international practices. It will eventually not only fulfill the constitutional commitments and but also bring better image of the country in the comity of nations. There are certainly many other areas that can be recommended for future studies. Research on civilian victims of drone strikes in Pakistan is still a missing area that needs more empirical evidence to clarify the situation on ground. It will not only testify a case of abuse of power in counterterrorism but also guide the concerned governments of Pakistan and USA for reversal of policy options in the region.

### Summary

This is the first study of its nature that attempts to review the victims' experiences on their needs and services provided to the victims of terrorism in Pakistan. Terrorism being the most significant dehumanizing factor exists in 87 countries of the world but 82% of its victims belong to Iraq, Afghanistan, Pakistan, Nigeria and Syria (Global Terrorism Index Report, 2014, p.15). Pakistan lost its 22,191 civilians and 6,887 law enforcement officials by acts of terrorism from 2003 to 2017 (South Asia Terrorism Portal, 2017). The study is important on account of its objective to provide policy guidelines with participation of the actual victims of acts of terrorism in Pakistan.

The core research question explores the victims' experiences on their needs and provided services by various institutions in order to propose certain recommendations based on empirical findings and international practices to improve the conditions of victims of terrorism in Pakistan. The following sub-questions are specifically focused in this study.

1. What are the patterns of victimization by acts of terrorism and existing measures for victims of terrorism in Pakistan? (Chapter 2)
2. What are the responses of victims of terrorism (interviewees) regarding their needs and services provided by various institutions in terms of financial compensation, medical support, information, protection, participation, social acknowledgement and level of trust and satisfaction in different regions of the country? Is feedback of victims belonging to civilian population different from that of victims in law enforcement agencies? (Chapter 3)

3. What are the international standards of victim services recommended by international instruments of United Nations and policy measures adopted in USA, Europe and neighbouring countries of Pakistan? (Chapter 4)
4. What can be the possible parameters of proposed policy framework in Pakistan to develop an effective system of victim services for victims of terrorism? (Chapter 5)

Terrorism in Pakistan was sponsored by Zia government (1977-1988) with recruitment of *Mujahedeens* (religious militants) to fight against former Soviet Union in Afghanistan with the support of US government in cold war era. Apart from indigenous security challenges, Afghan war and Iranian revolution were two external factors conducive for growth of militancy and terrorism in Pakistan (Ahmed, 2011). Pakistan was one of three countries in the world that officially recognized the Taliban regime in Afghanistan. The 9/11 in United States proved a turning point and Pakistan accepted seven demands of US government to play a front line role in war on terror (Shah & Aziz, 2013, p.99). The non-state elements turned against the state and society because of reverse policy options and resorted to terrorist activities. Terrorism in the country is the multitude of various influences with different patterns in respective regions. The factors of terrorism in Federally Administrative Tribal Areas (FATA) are driven by lawlessness, underdevelopment and growth of terrorist syndicates in the past including cross-boarder issues with Afghanistan. In KPK province, terrorists targeted law enforcement officials, social workers, journalists, polio-workers and foreign nationals. The dynamics in Balochistan province are primarily driven by indigenous insurgency movement and sectarian hatred against *Shia* community especially Hazara tribes. Karachi, the capital city of Sind province has witnessed human casualties because of militant politics and sectarian warfare. Terrorism in Gilgit Baltistan (GB) is sectarian in nature. The province of Punjab and Capital Territory of Islamabad (CTI) represent mix patterns of victimizations by acts of

terrorism. The detailed review of patterns of victimization in each region has been discussed in chapter 2. The federal government has enacted 23 laws since 1947 to counter terrorism and only provincial governments of Balochistan and Punjab have recently enacted separate laws on victims of terrorism (Appendix-E). The National Internal Security Policy (2014-18), The Pakistan Protection Act (2014) and National Action Plan (2015) are the most recent initiatives dealing with terrorism in Pakistan. After the terrorist attacks at Army Public School (APS) on December 16, 2014, 21<sup>st</sup> constitutional amendment was promulgated with an objective to sanction trial of terrorists in the military courts. It also lifted a moratorium on execution of death penalty. All these legislative measures were adopted to counter terrorism by increasing the powers of law enforcement agencies. The provincial government of Balochistan enacted the first piece of legislation on victims of terrorism that approved the Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation Act), 2014. The government also established a separate fund for civilian victims of terrorism in the province. The law authorizes free medical treatment of victims in government hospitals. Some critical issues related to information, protection, participation, psychological counseling, advocacy, social acknowledgement and community mobilization have been ignored. Despite its narrow scope and limited application, it was the first initiative taken by provincial government in the country. Similarly, Punjab government also enacted Civilian Victims of terrorism (Relief and Rehabilitation) Act, 2016 on the same pattern. It also did not focus on number of issues with reference to victim rights.

The study involves participation of 230 direct and indirect randomly selected interviewees from seven regions of Pakistan. Semi-structured interviews with these victims were conducted to assess their feedback on their needs and provided services. The basic issue was their accessibility. The problem was handled through participation of local community members in FATA and Balochistan. Initially, their contact details were compiled through

police records in different regions and then they were approached. The interviews were conducted at main cities of seven regions and translator was used for only victims belonging to Federally Administrative Tribal Areas and Balochistan. The individual profile of each victim (interviewee) was framed with basic information about different socio-economic indicators followed by a brief description of victimization by acts of terrorism. The responses of victims on given sub-questions were recorded through open-ended questions (Questionnaire attached at appendix-C). The frequency of casualties by acts of terrorism in respective regions was also found random. The frequency of casualties in FATA (41.1%), Sind (26.2%) and Balochistan (15.4%) remained higher as compared to KPK (9.4%), Punjab (7.4%), Gilgit Baltistan (0.06%) and Capital Territory of Islamabad (0.2%) in 2015 (see table 2). The number of interviewees that participated in this study was not proportional to the number of casualties in respective regions. Total 16 interviewees (7%) from Federally Administrative Tribal Areas (FATA), 60 (26.1%) from KPK (Kyber Pakhtunkawa) province, 60 (26.1%) from Balochistan, 43 (18.7%) from Sind, 26 (11.3%) from Punjab, 15 (6.5%) from Gilgit Baltistan and 10 (4.3%) from Islamabad Capital Territory participated in this research work. The representation of direct victims was 48.6% as compared to 51.3% indirect victims in the data. The ratio of male (93.9%) was more as compared to female victims (6.08%). The national data on victims based on gender classification was also not available to follow the proportional representation of victims on the basis of gender. Moreover, socio-cultural factors impaired the chances of more participation of female victims in this study. The religious orientation of interviewees was also assessed, as 80.4% of respondents were *Sunnis* against 19.1% belonging to *Shia* sect. It was observed that only 35.6% interviewees had less than five dependents in the family as compared to 51.3% with more than five dependents and 13.04% with more than ten dependents in the family. The average number of dependents in the family was 5.8 ranging from 1 to 33. It was found that 68.6% of the interviewees were married as compared to 33.3% singles. Most of the



interviewees (73.4%) belong to urban areas as compared to 26.5% of victims from rural origins. It was important to note that 31.7% of the interviewees had monthly income less than US\$100 whereas 41.7% of the interviewees had monthly income less than US\$250 for the entire family. The average income of the respondents in the entire sample was estimated as US\$197.44 (Rs.19, 744). The victims (interviewees) belong to different occupational groups. It was found that 28.2% of the interviewees belong to law enforcement agencies as compared to 22.1% businessmen, 10% employees of private organizations, 10.4% students and 2.1% of interviewees were related to agriculture. The representation of unemployed victims (interviewees) was 7.8%. Moreover, the level of education of victims (interviewees) was also assessed. One third of the respondents (33.1%) had primary education (Grade 1-5) as compared to 15.6% with middle school education (grade 6-8) and 34.3% with high school education (Grade 9-12).

After recording basic information about interviewees, a victim needs analysis was conducted at national and region level. Specific questions about victims' experiences regarding their financial, medical, protection, social, psychological and other needs were discussed. The majority of interviewees (85.7%) in the entire data reported their financial needs. During the interviewees, it was also reported that timely compensation was not provided to them and in some cases the issue of transparency was highlighted by the interviewees. The amount of compensation was also different from one incident to another. In few cases, the amount of compensation was not provided despite the announcement of the government. In certain cases, the less amount of compensation was given. One of the interviewees from Sind province reported that government announced Rs.500,000 (US\$5000) for each victim but later on Rs.100, 000 (US\$1000) was provided after a period of six months. It was observed that 41.7% of the respondents acknowledged that they were provided financial compensation. It was also

assessed that 60% of the interviewees reported their medical needs. The interviewees also expressed their concerns about medical services in connection with their long-term medical needs. The government provided the initial medical treatment for few days to almost all victims (interviewees) but the compensation scheme did not include money to cater for the long-term medical facilities. One of the interviewees reported that he was kept in government hospital for three days and then he has to bear financial expenditures related to his medical treatment for three months. It was observed that 47% of the victims reported their protection needs and almost all interviewees from Balochistan belonging to Hazara community reported these needs. It was further assessed that 57.4% of the victims reported their psychological needs. The frequency of reporting social needs was proportionally less as compared to financial and medical needs. A majority of the victims (64.8%) had not reported their social needs. There were certainly other categories of needs of victims related to education, housing, food or sanitation. It was classified as 'other needs'. It was found that 17% of the interviewees reported other needs (table 7). The victim needs consist of broad range of challenges in different spheres. All the victims do not experience the same needs and their responses vary in view of their socio-economic conditions and services provided to them. It was observed that diversity; relativity and complexity were three basic features of victim needs after an act of terrorism.

After victim needs analysis, victims' feedback on victim support system was also ascertained. Victim services are a set of activities aim to improve the conditions of victims after an act of crime or terrorism. Six major sources of victim assistance were identified through responses of victims. The victim assistance by government institutions, international bodies, non-profit organizations, community, family and other sources were separately assessed. Mostly, government is considered the only source of victim assistance that is somehow represents a very restricted view of victim services. The majority of the victims (74.1%)

acknowledged support from family sources followed by government (48%) and community (28%). The responses of interviewees for assistance provided by international bodies and non-profit organizations remained very low. Only 7.6% of interviewees reported assistance from international agencies and 6.2% of the interviewees provided positive feedback for services from non-profit organizations (Table 8). The nature of assistance varies from financial compensation to provision of food and shelter. The victim support was further analyzed in seven regions of the country. The feedback of interviewees regarding government support from KPK (68.3%), Gilgit Baltistan (66.6%), FATA (62.5%) and Punjab (62.1%) was partially better as compared to that of interviewees from Balochistan (50%), Sindh (20.9%). Similarly, the response of interviewees regarding support by international agencies was also better in KPK province (38.3%) whereas not a single interviewee from FATA, Sindh, Punjab and Islamabad reported any assistance from this source (Table 9). The level of participation of victims (interviewees) in the criminal justice process was also assessed. It was observed that level of participation declined from one stage of criminal justice process to another stage. It was reported by 73% of the interviewees that they were provided assistance by the first responders of police and rescue workers after an act of terrorism. Only 53.04% of the interviewees participated in the investigation followed by 23.9% in prosecution and 10.8% at judicial stage (Table 10). The provision of information also remained a neglected area as only 2.1% of the interviewees responded that they were provided information by any institution. Only one in 40 interviewees knew the status of criminal case. One in three interviewees reported that the government and community had socially acknowledged their sacrifice. The level of insecurity among victims was also assessed in all regions of the country and it was observed that frequency of reporting insecurity was higher in FATA (93.8%) and Balochistan (93.4%) as compared to other regions. Among all the respondents, 81.3% of the victims reported insecurity after acts of terrorism (Table 11). Despite complicated challenges in many

spheres of life, 42% of interviewees expressed their trust in state institutions (Table 12). The level of satisfaction was also assessed within the sub-group of victims that received certain services. It was found that 41.6% of the victims were satisfied by provision of financial compensation as compared to 66.6% on provision of medical services (Table 13).

The victim needs and provided services were also comparatively assessed in separate categories of civilian victims and those belonging to Law Enforcement Agencies (LEAs). The reason of treating victims belonging to LEAs as a separate group was to find any variation in responses on needs and services as compared to that of civilian victims. The demographic characteristics of respondents in these two groups were also assessed separately. It was observed that significant variations exist on the socio-economic indicators of the victims (Table 14). The average income of victims belonging to LEA was US\$270 as compared to US\$125 of civilian victims (Table 15). The chi-square tests on the comparative analysis of victim needs in both groups of victims also established that significant variations exist between responses of interviewees in both groups of respondents. The value of Cramer's V (0.144) indicates that the effect size was medium (Table 16). It was found that 94.4% of civilian victims reported their financial needs as compared to 76.9% of victims in LEAs. Similarly, 51.5% of civilian victims reported their medical needs as compared to 69.2% of victims in LEAs. Their responses in other categories of social and psychological needs were also observed with certain variations. The adjusted residuals indicate the level of variation in each category (Table: 17).

Similarly, a comparative analysis of provided services was undertaken for both categories of victims. The chi-square tests on comparative analysis of victim services also established that significant variations exist in responses of interviewees in both groups. The variations in all categories were calculated separately on the basis of adjusted residuals. The Cramer's V (0.227) indicates that level of effect size was large (Table 18). It proves the

hypothesis that variations exist in responses on needs and services in both groups of respondents. It also reflects lack of uniformity in victim services by different sources that requires integration and better coordination for equal treatment to all victims. It was found that 86.1% of the interviewees from victims in LEAs reported assistance from government institutions against 31.1% of interviewees from civilian population. The responses of civilian victims were more positive than that of victims belonging to LEAs for victim assistance from international bodies; non-governmental organization, community and family (Table 19). On the basis of data analysis of this study, it can be summarized that victims of terrorism (interviewees) were financially poor, less educated youth living in extended families of urban areas of Pakistan. Their needs vary according to their perceptions and socio-economic settings. The family and government institutions remained the major sources of assistance to these victims. The role of international organizations and non-governmental bodies is limited and restricted to specific locations. It has not only ignored a vast majority of victims across the country but also lacking comprehensive planning to integrate its role in collaboration with government agencies.

The International practices for victims of terrorism have been discussed to find out future initiatives and policy recommendations in Pakistan. The UN instruments on victims provide a number of guidelines for nation states ranging from provision of mandatory compensation to information and participation in addition to many other aspects of victim services. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), Handbook on Justice for Victims (1999), Guide for Policy Makers (1999), Global Counter Terrorism Strategy (2006), UN Secretary General Symposium on Victims of Terrorism (2008), Criminal Justice Response to Support Victims of Acts of Terrorism (2011, 2012), UN Victims of Terrorism Support Portal (2014), Good Practices in Supporting Victims

of Terrorism within Criminal Justice Framework (2015) are the major sources of policy recommendations that can be incorporated in the future policy recommendations. Moreover, Council Framework Decisions (2001, 2002), The Madrid Declaration (2004), European Counterterrorism Strategy (2005) and Madrid Memorandum in Good Practices for Assistance to Victims of Terrorism Immediate after the Attack in Criminal Proceedings (2012) provide certain recommendations within European perspective. These policy recommendations give an outline for a comprehensive system of victim services that can be incorporated in any national system with certain modifications. The system of victim services in USA was also reviewed in order to find out specific initiatives. The Office of Victims of Crime (OVC), September 11<sup>th</sup> Victim Compensation Fund, James Zadroga 9/11 Health and Compensation Act (2011), The September 11 Families Association along with other victim association provide a broad scope of victim services. Similarly, the existing practices of victim services for victims of terrorism in India and Afghanistan have been discussed in view of cultural similarities and level of socio-economic constraints. India started with certain initiatives in 2008 but still issues related to compensation, information and participation are outstanding. The system of victim services in Afghanistan is outdated and deficient like that of Pakistan and also requires a major policy reforms (Chapter 4).

The proposed policy framework has been designed on the basis of three basic principles of multidisciplinary, problem solving and normativity. These three principles are considered as key ingredients of any effective public policy (Young & Quinn, 2002, P.10). The recommendations are based on both empirical results and existing practices of victim services and international legal instruments. The policy framework begins with a policy statement to present its overall objective. It has been proposed that victims of terrorism should be treated with compassion and dignity to achieve protection, medical wellness, information, social

acknowledgement and financial compensation in view of their socio-economic conditions by state and non-state institutions with an overall objective to facilitate in the rehabilitation process. In the subsequent section, eight categories of victims of terrorism in Pakistan have been identified. The classification is designed to avoid controversy for identification of victims. It consists of civilian persons that have been killed or injured by an act of terrorism, their family members, persons that have suffered financial losses by acts of terrorism, innocent individuals that have been killed in antiterrorism operations or drone strikes in addition to members of law enforcement agencies and persons that have suffered mass migration as a result of repeated acts of terrorism. There are two more categories of victims that have been included in this typology to present a comprehensive identity of victims. Citizens of Pakistan that become victim of terrorism in any part of the world and foreign nationals that become victim of terrorism in Pakistan are recommended for victim services in the proposed policy recommendations. Ten key principles have been identified to provide a conceptual framework for policy initiatives. It is recommended that a multidisciplinary approach can bring the desired results in view of needs of victims. Financial compensation is just a one component. Victim services should also be considered as a continuous process with periodic reviews, scientific analyses and effective monitoring system. An integrated victim centric approach has been recommended for future policy reforms. The proposed victim services structure is based on five main pillars by integrating the role of all stakeholders, institutional capacity, modes of execution, shared responsibility and transparency. It is recommended to establish a central institution at federal level in Pakistan on the pattern of Office of Victim of Crime (OVC) in USA. Presently, a single federal institution responsible to deal with victims' issues has not been established. The victim services infrastructure should consist of National Office of Victim Services (NOVS) at federal level and its provincial chapters in respective regions of the country. The policy formulation and international coordination will be the responsibility of

NOVS. The detailed layout of victim services structure is explained in Figure: 1. Planning, coordination and execution should be three main responsibilities of federal, provincial and district governments respectively. In addition to National Office on Victim Services, it is also recommended to establish Victim of Terrorism Unit (VTU) in already existing National Counterterrorism Authority (NACTA) to promote a counter narrative on terrorism through victim representations. The implementation body of all policy recommendations will be District Office of Victim Services (DOVS). It is recommended to establish specific units for emergency management, medical wellness, compensation, information, counseling, special needs, community participation, media management and advocacy, training and technical support in addition to research and database in the organizational structure of District Office of Victim Services (DOVS) (Figure: 3). It has been observed that no policy initiative can be helpful without victim surveys and databases with direct participation of victims. Similarly, a federal law on victims of terrorism should specifically enacted victim rights that can fix the responsibility of concerned institutions. It is proposed to enact their legal rights in the form of victim of terrorism bill of rights. Based on the direct interaction with the victims of terrorism and review of existing practices, eight categories of victim needs have been identified with specific legal rights in each category of needs. It is proposed to incorporate specific legal rights in the victims of Terrorism Act in the country. The lack of accountability for providing inadequate services was observed another critical area in the overall system of victim services. The Victim Justice Office (VJO) on the pattern of victims' ombudsman is proposed with legal punitive measures to take appropriate action against officials of state institutions for dereliction of their duties and deviation from stated victim rights.

Moreover, it is proposed to establish separate victims of terrorism funds at federal, provincial and district levels. It will not add too much financial burden because federal and



provincial governments are already providing financial compensation to the victims. The established funds will reduce the delay in the provision of financial compensation. It will also streamline the government efforts in rehabilitation plans of most affected areas like FATA. Moreover, provision of tax exemption for initial three years to the victims of terrorism is proposed to facilitate the economic recovery of the victims. Separate recommendations have been proposed for free medical entitlements. It is proposed that holders of Victim Entitlement Cards can avail free medical services at district government hospitals, combined military hospitals and local private hospitals.

The victims (interviewees) highlighted the lack of coordination among different institutions after an act of terrorism. A detailed District Emergency Management System (DEMS) is proposed with eight designated teams to enhance coordination to mitigate the losses and effective services after an act of terrorism. Lack of information to the victims was also observed a neglected area as only 2.1% of the interviewees in the entire data set reported that they were provided information in the criminal justice process. In view of this critical gap, a systematic victim notification scheme has been proposed with twenty notices to the victims of terrorism. It is proposed that notice of rights should be given to each victim in writing about his or her rights after an act of terrorism. The responsibility of each institution has been earmarked to serve these notices at different stages of criminal justice process. Some of recommendations like victims of terrorism portal, protected website, virtual networks, victim services helpline are proposed on the basis of policy guidelines given in international instruments to provide an institutional framework to cater for the information needs of victims as an affected community. The lack of participation of victims also requires specific interventions. Each department of criminal justice system is required to train Victim Support Officers (VSOs) in the field of victimology and crisis interventions. It is also recommended to issue guidelines for the victims

to deal with trauma. Some specific recommendations have been proposed for effective role of victims in court proceedings. It is recommended that victims of terrorism should be entitled to protected communication in the court proceedings. Apart from confidentiality and privacy, the provision of Victim Impact Statement (VIS) is recommended as a mandatory part of case file. Certain recommendations for education of affected children, employment opportunities and loan schemes have been proposed to facilitate the process of recovery of victims. Specific interventions for children, women and aging adults victims have been proposed. A detailed plan to deal with issue of mass migration is proposed with basic requirements and infrastructure at a facility meant for Internally Displaced People (IDPs). It was also observed that victims of terrorism in Pakistan and non-profit organizations have not established specific victim support networks as in case of Europe and USA. It is recommended that government institutions should facilitate establishing victim networks for better coordination among all stakeholders. Few recommendations in the proposed policy initiatives are related to social acknowledgement of victims. The response of victims in this connection was also not very satisfactory as one in three victims expressed his or her social acknowledgement. National memorial for victims of terrorism, Victim's Remembrance Day, Civilian Victim Gallantry Award and representation of victim through art and literature are some specific recommendations. Moreover, it is also proposed to issue certain guidelines for effective media representation of victims. In view of catholicity and complex nature of subject under discussion, it was observed that effective victim services could only be ensured in Private-Public Partnership (PPP). It is also proposed that any citizen of Pakistan if he or she becomes victims of terrorism in any part of the world should be entitled to victim services including compensation. Similarly, any victim belonging to any foreign nationality should also be legally entitled to victim services in Pakistan. A comprehensive system of victim services checklist (Appendix-H) and a monitoring system has been proposed with specific responsibilities of each institution (Appendix-I). It is

recommended to the government to seek regional collaborations in South Asian Association of Regional Cooperation (SAARC) and Organization of Islamic countries (OIC) in addition to its commitment to international norms and standards as recommended by international instruments on victims. The proposed policy framework presents a broad outline of new initiatives to introduce victimological practices to improve the conditions of victims of terrorism in the country. Political will is the fundamental factor to implement the proposed initiatives. The proposed measures are cost effective as most the recommendations aim at utilizing the existing human and financial resources with exception of expenditures related to establish new infrastructure for victim services. A number of recommendations regarding provision of information, participation, social acknowledgement and enactment of laws do not involve huge budgetary allocations. It is the utmost duty of the state to establish an effective system for victim population to improve their existing conditions. It will not only fulfill the constitutional commitments but also bring a better image of the country in the comity of nations.

It was the first attempt to conduct empirical research on the victims of terrorism in Pakistan with direct participation of victims. There are certainly many broad areas that require further enquiry. A separate project can be undertaken to identify the civilian victims of drone strikes in Federally Administrative Areas of Pakistan. The study can aim at exploring the nature of victimization and corresponding role of state institutions of Pakistan and United States. The arguments regarding abuse of power while countering terrorism in the context of Pakistan needs empirical and scientific enquiry for reversal of policy options in future.

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Appendix-A

Geographic Location of Pakistan



### Appendix-B

#### Demographic Profile of Pakistan

Region	Area (Sq. KM)	Population Ratio	Literacy	Schools	Hospitals
Punjab	205344	53.26%	71%	57418	2218
Sindh	140914	22.16%	69%	57470	3185
K.P.K	74521	13.52%	60%	22466	1035
Balochistan	347190	5.10%	50%	10568	803
AJ&K	11639	2.20%	68%	5949	1448
GB	72520	0.69%	62%	1590	419
FATA	27220	2.31%	22%	5387	383
ICT	906	0.76%	96%	904	50
Total	796095	100%	58%	161752	161752

(Source: Pakistan Bureau of Statistics, 2016)

### **Appendix-C**

#### **Victim Profile Questionnaire**

- Serial Number
- Category: Direct, Indirect
- Personal Bio-data: Name, Marital status, Area, education, Gender, Profession, Age, Dependents, average income, Ethnic group, living (rural/urban), Religion, Sect, Incident place, date and time of incident, Contact details
- Brief description of victimization in terrorism

Nature of victimization?

- What was the nature of damage you suffered as a result of an incident of terrorism?
- Human Loss or Injury?
- Financial damage?
- Socio-psychological damage?
- Other damage?

Victim Needs?

- What were your needs after the incident of terrorism?
- Financial Needs?
- Medical Needs?
- Protection and security Needs?
- Social Needs (Housing, employment, etc.)
- Psychological Needs?
- Other needs?

Victim Support Services?

Did you receive support from Government after incident of Terrorism? If so, what kind of support did you receive?

- Governmental Support?
- International Organizational support?
- Non-Governmental Support?
- Community Support?
- Family Support?
- Support from other sources?

Level of Participation in Criminal Justice Process?

Did you participate in the criminal justice process regarding your case?

- Police (At early stages; registration of case etc.)
- Investigation?
- Prosecution?
- Judicial process?
- Prison, post sentencing stage?

#### Victim Satisfaction?

Are you satisfied with victim services provided to you by state and non-state institutions? If not, what you propose to make it more efficient and effective?

- Medical Services?
- Protection?
- Compensation?
- Information?
- Participation?
- Legal and psychological counseling?
- Sentencing?
- Social acknowledgement?
- Overall trust in state and society?



**Appendix-D**  
**Security And Law Enforcement Agencies in Pakistan**

Organization	Mandate	Manpower	Jurisdiction
Pakistan Army	To protect against external and internal threats to the sovereignty of Pakistan	10,50,000 5,00,000 Active 5,50,000 Reserve	Pakistan
Pakistan Air Force	To protect the country against air threats	75,000 3,000 Pilots 10,000 Reserve	Pakistan
Pakistan Navy	To protect the naval interests of Pakistan	36,000 31,000 Active 5,000 Reserve	Pakistan
Inter- Services Intelligence (ISI)	To collect and analyze intelligence against the external and internal threats to the sovereignty of Pakistan	Classified	Pakistan
Intelligence Bureau (IB)	To collect and disseminated against internal threats to country	Classified	Pakistan
Federal Investigation Agency, FIA	Investigation of Terrorism related offences, human smuggling, financial crimes, cyber crimes	Classified	Pakistan
Frontier Corps	A paramilitary force operating along the western borders of Pakistan	80,000	FATA, KPK, Balochistan
Frontier Constabulary	A paramilitary force responsible for border areas of FATA and settled area of KPK	30,000	FATA, KPK, Islamabad, Sindh
Anti-Narcotics Force (ANF)	Dealing with narcotics control in the country	1600	Pakistan
Pakistan Rangers	An internal security force to provide and maintain security in war zones and areas of conflict as well as maintaining law and order which includes providing assistance to the police	100,000	Punjab, Sindh

Pakistan Coast Guards	To safeguard frontier of Pakistan along coast line of Sindh and Balochistan	7,000	Coastal Areas of Pakistan
Pakistan Railway Police	Responsible for security of Railway system in Pakistan	20,000	Pakistan
Airport Security Force	Responsible for security of all airports in the country	8,930	Pakistan
National Highways and Motorway Police	Covering all major roads in Pakistan including Motorways	6,000	Pakistan
Capital Territory Police	Police Organization of Islamabad	10,995	Islamabad
Punjab Police	Police Organization in Punjab Province	1,70,000	Punjab
Sindh Police	Police Organization of Sind Province	1,15,949	Sindh
KPK Police	Police Organization of KPK Police	73,000	KPK
Balochistan Police	Police Organization of Balochistan Police	50,000	Balochistan
Azad Jammu & Kashmir Police	Police Organization of AJK Areas	8373	Azad Jammu & Kashmir
Gilgit Baltistan Police	Police Organization of Gilgit Baltistan Areas	4662	Gilgit Baltistan

**Appendix-E**  
**Laws on Terrorism in Pakistan**

1. Pakistan Security Act, 1952
2. Defense of Pakistan Ordinance, 1955
3. Defense of Pakistan Rules, 1965
4. Speedy Trial Act, 1974
5. Suppression of Pakistan Terrorist Activities (Special Courts) Act, 1975
6. The Terrorist Affected Areas (Special courts Act, 1992
7. The Special Courts for Speedy Trial Act, 1992
8. Antiterrorism Act, 1997
9. Pakistan Armed Forces (Acting in Aid of Civil Power) Ordinance, 1998
10. Antiterrorism (Amendment) Ordinance, 1998
11. Speedy Trial Act, 1998
12. Antiterrorism (Amendment) Ordinance, 1999
13. Antiterrorism (Amendment) Ordinance, 2000
14. Antiterrorism (Amendment) Ordinance, 2001
15. Antiterrorism (Amendment) Ordinance, 2002
16. Antiterrorism (Amendment) Ordinance, 2004
17. Antiterrorism (Second Amendment) Act, 2005
18. Prevention of Electronic Crimes Act, 2007
19. Antiterrorism (Amendment) Bill, 2012
20. Antiterrorism (Second Amendment) Bill, 2013
21. Pakistan Protection Ordinance, 2013
22. Antiterrorism (Amendment) Act, 2014
23. Pakistan Protection Act, 2014

**Appendix-F**  
**Compensation to Civilian Victims of Terrorism**  
**The Balochistan Civilian Victims of terrorism (Relief and Rehabilitation) Act, 2014**

S. No.	Nature of harm to a civilian victim	Extent of harm	Minimum amount of grant
1.	Death.		Rs. 1,000,000/-
2.	Grievous Injury.	Amputation or incapacitation of a limb	Rs. 500,000/-
3.	Substantial Injury.	Inability to work because of harm for a period of more than two weeks	Rs. 100,000/-
4.	Dwelling Unit.	(a) Complete destruction; and (b) Partial destruction.	1. (a) Rs. 500,000/- 2. (b) Rs. 100,000/-
5.	Shop, kiosk or any other business establishment.	(a) Complete destruction; and (b) Partial destruction.	1. (a) Rs. 500,000/- 2. (b) Rs. 100,000/-
6.	Vehicle.	(a) Bus, Truck or other heavy vehicle; (b) Car, Jeep or other four or three wheeler; and (c) Motor cycle or scooter.	1. (a) (i) Rs. 1,000,000/- (severe damage);and (ii) Rs. 80,000/- (minor damage). 2. (b) (i) Rs. 200,000/- (severe damage); and (ii) Rs. 40,000/- (minor damage). (iii) Rs. 20,000/- (severe damage).
7.	Loss of Livestock	(a) Buffalo, Cow, Bull or horse; and (b) Sheep, Goat or Donkey.	1. (a) Rs. 40,000/- (for each). 2. (b) Rs. 10,000/- (for each).

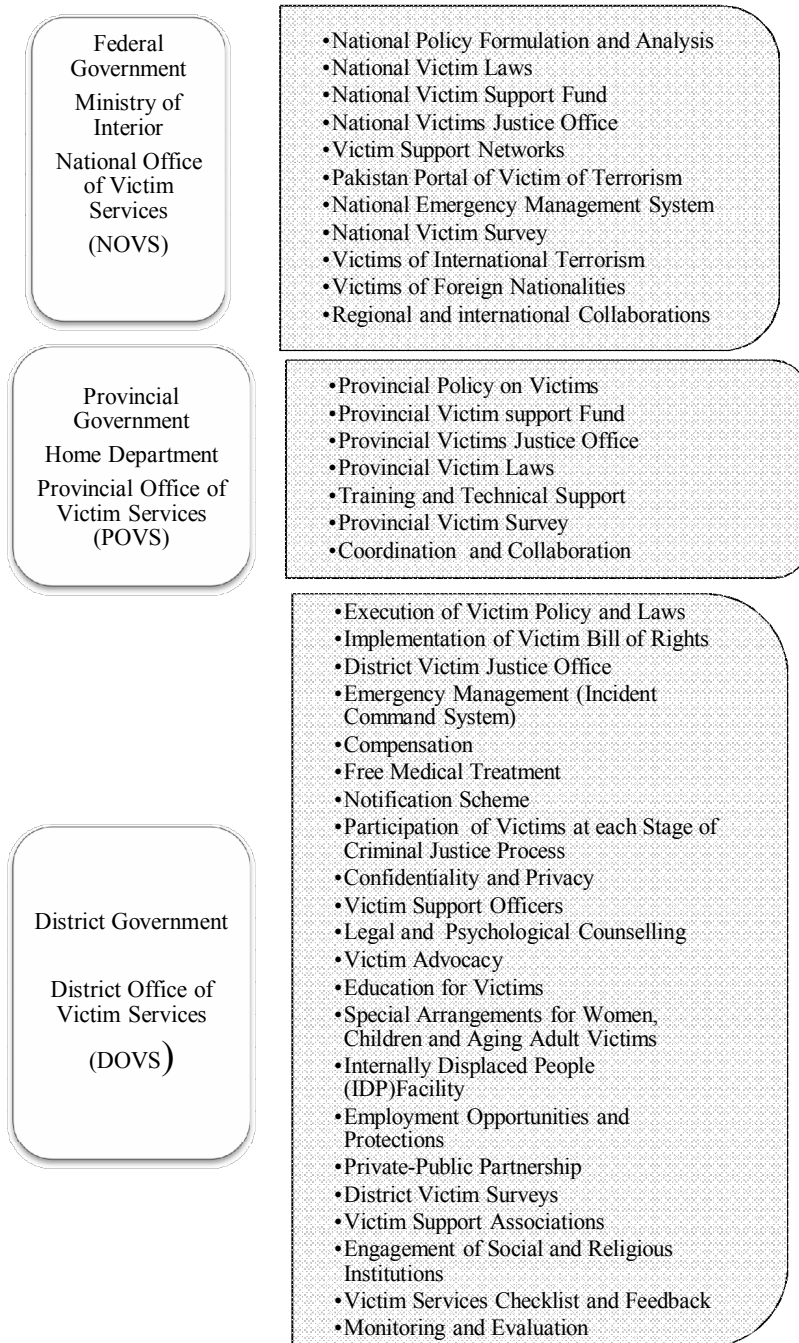
**Appendix-G**  
**Victim Services Organizations for Victims of Terrorism**

Organization	Origin
European Network for Victims of Terrorism	Europe
Spanish Victim of Terrorism Foundation	Spain
Victims of Terrorism Foundation	USA
Global Survival Network	Jordon
(Asociación de Víctimas del Terrorismo, AVT)	Spain
Association for defending Victims of Terrorism (ADVT)	Middle East
September Eleventh Families For Peaceful Tomorrows	USA
September 11 <sup>th</sup> families' Association	USA
Voices of September 11	USA
Tuesday's Children	USA
S.O.S. Attentats	France
Victims of Terrorism Organization	Kenya
International foundation For Terror Act Victims	Russia
Air India 182 Victims' Families Association	Canada

**Appendix -H**  
**Victim Feedback Format**

Personal Information	Name	Father's Name	Gender	ID & DOB	Nature and Date of Incident
Emergency Services	Ambulance Service?				
	Government or Private Hospital?				
	Free Hospital Treatment?				
	Picked up by Civilian or Officials?				
	Availability of Blood?				
	Availability of Doctor?				
	Free Medicine?				
	Information to Family Members after Incident?				
Police Services	Initial Medical Expenses?				
	Case Registered?				
	First Responder?				
	Bill of Rights Provided?				
	Special Protection Required				
	Help by Victim Support Officer?				
	Respect and Dignity?				
Prosecution Stage	Participation in investigation?				
	Participation at Prosecution Stage?				
	Notifications Received?				
	Help by Victim Support Officer				
Judicial Stage	Respectful Treatment?				
	Notice of Court Hearings?				
	Participation in Court Proceedings?				
	Victim Impact Statement?				
	Separate Waiting Areas				
District Office of Victim Services (DOVS)	Fair Treatment?				
	Funeral Expenses in Case of Death?				
	Compensation Amount?				
	Days for Compensation Claim?				
	Initial Medical Expenses?				
	Medical Compensation?				
	Days for Medical Compensation?				
	Legal Guidance?				
Psychological Counseling?					
Social Acknowledgement?					

**Appendix-I:  
Monitoring and Evaluation of Victim Services**



# Victims of Terrorism in Pakistan

## Review of Existing Victim Services and Scope of Improvement

*Athar Waheed*

Terrorism is the most dehumanizing factor in the present world. Pakistan among top five most affected countries lost 22,191 civilians and 6,887 law enforcement officials by acts of terrorism from 2003 to December 2017 (South Asia Terrorism Portal, 2017). This is the first study of its kind in the country that aims to explore the victims' experiences on their needs and provided services in order to propose a comprehensive policy framework to improve the conditions of victims. The findings are based on semi-structured interviews conducted with 230 victims of terrorism in seven regions of Pakistan. It was observed that diversity, relativity and complexity were three major characteristics of victims' needs. The different stakeholders including government, international bodies, non-governmental institutions and local community provided insufficient services to the victims of terrorism. The recommended policy framework is based on principles of multidisciplinary, problem solving and normativity. Terrorvictimity has multiple causations and consequences. No single quick-fix formula can be proposed as a remedy but answer lies in plurality of responses by all concerned institutions. The study recommends establishing an elaborate victims services infrastructure, victims' databases, separate victim laws ensuring victim rights for effective participation and a mechanism for timely information to the victims in addition to compliance of Pakistan to international instruments on victims of terrorism.



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