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COI QUERY RESPONSE

PAKISTAN – INFORMATION ON LAND DISPUTES

In May 2024 *Dawn* states that: “Five people were allegedly murdered in separate incidents in the provincial capital here on Monday. Of them, a woman was reportedly shot dead along with her 17-year old son while another man was allegedly tortured to death by the police in custody. According to police reports, Ayesha and her son Abdul Rehman were intercepted by armed motorcyclists in the South Cantt area. The suspects opened fire and fled the scene leaving both of them injured critically. They later succumbed to their injuries on way to hospital. The police reached the spot and lodged a case on the report of woman’s brother Irfan who nominated some relatives including Ashraf and Wajid in the FIR. He alleged the suspects killed his sister and her son following an enmity over property disputes.”¹

The *US Department of State Country Reports on Human Rights Practices* in April 2024 notes that: “A jirga, formed in 2020 to resolve a high-profile 150-year-old land dispute between two tribes on the boundary of Mohmand and Bajaur after the disputants refused to recognize a government commission on the matter, continued. As of October, the boundary dispute remained unresolved.”²

In April 2024 *Human Rights Council of Balochistan* mentioned that: “6 people were killed in tribal and personal enmities, and 10 in land disputes.”³

¹ Dawn (14 May 2024) Woman, son killed over land dispute

² US Department of State (22 April 2024) 2023 Country Reports on Human Rights Practices: Pakistan, p.10

³ Human Rights Council of Balochistan (4 April 2024) Annual Report - Human Rights situation in Balochistan: 601 forcibly disappeared, 525 killed in 2023

A report issued by *Bertelsmann Stiftung (Germany)* in March 2024 states that: “Disputes over land ownership are among the largest sources of litigation in Pakistan's lower courts, with hundreds of thousands of cases contributing to a judicial backlog compounded by inefficiency and corruption.”⁴

The *Office of the United Nations High Commissioner for Human Rights (OHCHR)* in March 2024 reported that: “On July 8, Sargodha Police arrested a 35-year-old Christian man named ZakiMasih after a case was filed against him under Sections 295-A and 298 of the PPC. The charges were brought forward by Muhammad Awais, a local resident, who alleged that Zaki had shared a blasphemous post on Facebook. Despite receiving support from the Imam of the village mosque and other Muslims in the neighborhood who confirmed that Zaki's post did not disrespect any religion, he was taken into custody. Zaki's brother explained that the post was written by a Muslim individual criticizing those involved in food adulteration. The family believes that the case against Zaki stems from a longstanding land dispute with individuals who continue to harbor grudges, despite attempts at reconciliation through village elders.”⁵

The *Human Rights Council of Balochistan* in January 2024 points out that: “Nine individuals were killed in targeted killings by unknown armed men. Three deaths were due to personal enmity and land disputes, while five killings were claimed by Baloch armed groups accusing the victims of serving military interests.”⁶

The *Human Rights Commission of Pakistan (HRCP)* in December 2023 mentioned that: Although the district courts for Khyber were initially situated in Peshawar after the merger, they had now been shifted to the district in Landi Kotal, Jamrod and Barra. The mission was told that most cases in these courts pertained to land disputes. However, residents of Khyber expressed deep dissatisfaction with the slow pace of, and expenses associated with, pursuing cases in the district courts, stating that judges kept putting matters off to the next hearing without reaching a resolution. To make matters worse, judges were transferred every six months, causing additional delays. A respondent in Peshawar felt that the delivery of justice in the NMD courts may be slow, but was still a step in the right direction. He gave the example of the courts in Bajaur, which had seen a rise in cases of inheritance and divorce filed by female litigants, which he felt reflected increased access to justice.”⁷ The report further points out that: “All seven NMDs, as well as Upper and Lower Dir, the Kalam area of Swat and a portion of Chitral, have no proper records of land settlement. From 2021 onwards, the process of recording land settlements was begun in these districts, but remains at the initial stage of information collection. The absence of land settlements and land registration in these areas has caused social unrest and even violent clashes triggered by land disputes. According to residents of Khyber, the dominant category of disputes before the district courts is that of land disputes. There are no land records for the area. Although the government has reportedly initiated the process of land settlement for the region, the

⁴ Bertelsmann Stiftung (Germany) (19 March 2024) Bertelsmann Stiftung's Transformation Index (BTI) 2024 Country Report – Pakistan, p.18

⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR) (8 March 2024) Written statement submitted by Nord-Sud XXI (Cases of Atrocities Against Ethnic and Religious Minorities in Pakistan in 2023), p.3

⁶ Human Rights Council of Balochistan (11 January 2024) Balochistan: 52 Involuntarily Disappeared, 22 killed in December Amid ongoing protests, p.3

⁷ Human Rights Commission of Pakistan (HRCP) (27 December 2023) The Merger and its Discontents: Human Rights in the Newly Merged Districts in Khyber Pakhtunkhwa, p.14

pace of work has been slow, with designated government officials still in the process of gathering information, according to locals.”⁸

Express and Star in June 2023 points out that: “Seven relatives involved in a family feud over land in Pakistan have been convicted for violent disorder after attacking each other with weapons. After a three week trial at Wolverhampton Mohammed Tazabar, 42, his brother Mohammed Zaber Snr, 46, and nephew Mohammed Tariq, 25 fought Zishaan Hussain, 27, cousins, Mohammed Husnain, Mohammed Zain, 21, and Asim Hussain, 25, were all found guilty. However, two defendants, one from each group, Mohammed Zaber Jnr, 28, and Assad Junaid, 28, were cleared of violent disorder by jurors. The bloody melee was caught on CCTV with the court shown footage of the men using fire extinguishers, traffic cones and a snooker cue as weapons at BP garage, in Pedmore Road, Lye, near Stourbridge, on February 24, 2019. Prosecuting barrister Miss Sarah Slater explained the fighting was down to a long running feud between members of the same family tree. She said: "All are members of the same extended family, but do not appear to get on." During the defence in the case the root cause of the feud was revealed as a land dispute in Pakistan.”⁹

A compilation of COI sources issued by the *Immigration and Refugee Board of Canada* in January 2023 includes stating: “...land disputes are quite prevalent in Pakistan...”¹⁰ This document also states that: “...the government does not provide protection for people affected by land disputes and land grabbing...”¹¹

In May 2022 the *United States Overseas Security Advisory Council* points out that: “Land disputes are common in Pakistan and are often difficult to resolve through legal channels”¹²

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⁸ Ibid, p.17

⁹ Express and Star (21 June 2023) Relatives convicted after brawl over 'land dispute'

¹⁰ Immigration and Refugee Board of Canada (13 January 2023) Pakistan: Land disputes, including land rights, land registration, requirements, and procedures to transfer land, official land transfer documents, and fraud in land transfers; land inheritance, including legislation (2020–December 2022) [PAK201287.E], p.18

¹¹ Ibid, p.20

¹² United States Overseas Security Advisory Council (31 May 2022) *Pakistan Country Security Report*, p.3

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Online Newspapers
Refugee Documentation Centre Query Database
Reliefweb
United Kingdom Home Office
United States Department of State
UNHCR Refworld

Contact Information

Refugee Documentation Centre
Legal Aid Board
48/49 North Brunswick Street
Dublin 7
Ireland

Email: research@legalaidboard.ie