

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: ASA 33/013/2014

29 August 2014



Pakistan: Impunity Marks International Day of the Victims of Enforced Disappearances

On the eve of the annual International Day of the Victims of Enforced Disappearances, the International Commission of Jurists (ICJ), Amnesty International, and Human Rights Watch urge Pakistan's government to stop the deplorable practice of state agencies abducting hundreds of people throughout the country without providing information about their fate or whereabouts.

Despite clear rulings from the Pakistan Supreme Court in 2013 demanding justice for victims of enforced disappearances, as well as recommendations from the United Nations Working Group on Enforced or Involuntary Disappearances in 2012, the Pakistan government has done little to meet its obligations under international law and the Pakistan Constitution to prevent enforced disappearances.

The government has failed to establish the facts about the fate and whereabouts of victims when enforced disappearances occur, has failed to bring perpetrators to justice, and has failed to provide reparations to victims, including the families of the disappeared, the three leading rights organizations said.

Instead, the government has responded by passing the Protection of Pakistan Act, 2014, which facilitates enforced disappearances by retrospectively legitimizing detention at undisclosed locations and providing immunity to all state agents acting in 'good faith.' These steps perpetuate a troubling culture of impunity in Pakistan, casting grave doubts on the government's seriousness about ensuring justice and protecting human rights.

Enforced disappearances—most often of men and boys—occur regularly throughout Pakistan, including Balochistan and north-western Pakistan, as well as in Punjab and Sindh provinces.

Balochistan is of particular concern because of a pattern of enforced disappearances targeting political activists, human rights defenders, journalists, and lawyers. Disappeared people are often found dead, their bodies bearing bullet wounds and marks of torture.

Earlier this year, eyewitnesses reported that Zahid Baloch, a human rights defender and chairperson of Baloch Student Organization-Azad, was abducted at gunpoint in Quetta, capital of Pakistan's Balochistan province, allegedly by personnel of the Frontier Corps, a state security force widely implicated in enforced disappearances in the province. Despite widespread protests and appeals for his release from relatives and human rights groups, the authorities have failed to adequately investigate his abduction, determine his fate or whereabouts, and bring those responsible to justice.

In the weeks leading up to Pakistan's Independence Day, 14 August, dozens of ethnic Baloch were arbitrarily arrested in the New Kahan area of Quetta, and Turbat and Kharan districts. At present, the fate or whereabouts of all of these people remain unknown.

Hundreds of men and boys, especially individuals associated with the Muttahida Quami Movement political party and ethnic Pashtuns accused of being associated with the Taliban, have been subjected to enforced disappearance in the city of Karachi over the last two years. Several members of ethnic Sindhi nationalist groups have also allegedly been subjected to enforced disappearance in the province of Sindh in the same period. In north-west Pakistan, the armed forces allegedly continue to subject men and boys to enforced disappearances in areas where they are carrying out counter-insurgency operations against the Taliban.

The few investigations carried out by the Pakistani authorities have been hampered by their refusal or inability to adequately investigate state security forces and intelligence services implicated in enforced disappearances.

The ICJ, Amnesty International, and Human Rights Watch urge the Pakistani government to take the following steps as a matter of urgency to affirm its commitment to end enforced disappearances and meet its obligations under international human rights law:

1. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and implement its provisions in law, policy and practice, and in particular include a new and separate crime of enforced disappearances in the penal code;
2. Carry out a thorough review and, as necessary, amend all security legislation, in particular the Protection of Pakistan Act, 2014, and the Actions (in Aid of Civil Power) Regulations, 2011, to ensure its compatibility with international human rights law and standards;
3. Ensure that all persons held in secret or arbitrary detention are immediately released, or charged for a cognizable crime by civilian courts following international fair trial standards, and are detained in official places of detention and in conditions that fully respect their human rights;
4. Ensure that prompt, thorough, independent and impartial investigations are carried out into all allegations of enforced disappearance; perpetrators, including those with command or superior responsibility, are brought to justice before independent and impartial civilian courts, consistent with the United Nations Declaration on the Protection of All Persons from Enforced Disappearance; and victims, including the families of the disappeared, have access to effective remedies and receive adequate reparation.