



Lost Loved Ones



‘THE BITTEREST OF AGONIES’

End enforced disappearances in Pakistan

We insist that states respect human rights in any actions they take in the name of national security or countering terrorism. Where states fail to respect human rights, governments and individuals responsible must be held to account. Amnesty International will work for the rights of victims of terrorism and armed groups, supporting them in their struggle for truth, justice and reparation.

“This is the worst thing to happen to anyone. If someone dies you cry and people console you and after some time you come to terms with it but if someone disappears, you cannot breathe, it is the bitterest of agonies.”

Amina Masood Janjua, wife of Masood Ahmed Janjua, who has not been seen since he was apprehended along with Faisal Faraz during a bus journey to Peshawar in July 2005. Amina has been campaigning tirelessly for his release and is the founder and spokesperson for Defence of Human Rights, a Pakistani organization that provides support and advice to relatives of disappeared people in Pakistan.

Since Pakistan became a key ally in the US-led “war on terror” in late 2001, hundreds of people accused of links to terrorist activity have been arbitrarily detained and held in secret facilities. They are victims of enforced disappearance: denied all access to the outside world, including lawyers, families and courts, and held outside the protection of the law. Since last year, the government has convened two commissions to investigate cases of alleged disappearances, but there has been little progress in resolving the hundreds of outstanding cases, even as new incidents of enforced disappearance are reported around the country.

Dozens of missing individuals have been transferred from US detention or have reappeared in Pakistan during the past 10 years, but the whereabouts of hundreds of others, possibly held in secret detention in Pakistan or other countries, remain unknown. Their families continue to fear for the lives of their loved ones, aware that torture and other ill-treatment is routine in Pakistani prisons and jails.

In a welcome move in March 2009, the Chief Justice of the Supreme Court was reinstated, along with other judges deposed during the 2007 state of emergency, many of whom were committed to tracing the disappeared. Despite the resumption of hearings in November 2009, neither the government nor the courts have been able to resolve the disappearance crisis or to provide redress in all the cases presented before it. (This campaign digest updates *Enforced disappearances: Disappeared justice in Pakistan*, Index: ASA 33/022/2008, August 2008.)

The clandestine nature of the arrests and detentions makes it impossible to know exactly how many have been subjected to enforced disappearance. Many relatives remain silent for fear of repercussions against their loved ones or themselves. Many cases never reach the courts or attract media attention. Inaccuracies and confusion on the part of the authorities regarding the names of released detainees further hamper the task of compiling accurate statistics of those still missing. In 2010, the Ministry for the Interior admitted



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Above: Artwork by Humza, aged 16, son of Dr Abid Shareef, who disappeared with a friend while waiting at a bus stop in Rawalpindi in September 2005.

Cover: Artwork by Shirmeen, aged 16, niece of Faisal Faraz, who has not been seen since he was taken during a bus journey to Peshawar on 30 July 2005. © Amnesty International

to 965 disappearance cases for which there was some record, although there are differing claims on figures made by families, human rights groups and the state, ranging from 200 to 7,000. Failure by the government to resolve disappearance cases has continued from its election in 2008 until the present, with new incidents being reported throughout Pakistan.



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SHAMS BALOCH

Shams Baloch (*above*), Balochistan National Front member and a former Tehsil Nazim (Head of District Municipal Administration) of Balochistan's Khuzdar district, was abducted on 1 July 2010 while travelling in an ambulance with his 80-year-old mother to a hospital in Balochistan's provincial capital Quetta, according to members of his family who were travelling with him. An investigation team comprising police and intelligence agency officials was set up, and confirmed that Shams Baloch had been stopped at a checkpoint operated by the Frontier Corps, a federal paramilitary force, who did not intervene as he was beaten up and abducted by unidentified men in front of his family. The Commission of Inquiry on Enforced Disappearances is investigating his case but to date has failed to trace him.

Relatives of individuals subjected to enforced disappearance have suffered hardship, isolation and despair, in some cases made worse by threats and false promises from government officials. Their anguish is exacerbated by the knowledge that torture and other ill-treatment of suspects are routine in Pakistan. Inflicting such suffering on family members of disappeared people is, in itself, a human rights violation that amounts to cruel, inhuman or degrading treatment, and means that relatives are also victims of enforced disappearance.

WIDESPREAD PRACTICE

As well as those accused of involvement in terrorism after September 2001, domestic political opponents of the Pakistani government were also increasingly subject to enforced disappearance, in particular members of Pakistan's Sindhi and Baloch nationalist groups advocating greater autonomy in Balochistan, in the south-west of the country. The Baloch community has been especially targeted for abductions, enforced disappearances and extrajudicial executions. Non-Baloch communities in Balochistan have also faced the same human rights violations, although in smaller numbers.

Baloch political and human rights activists, lawyers, journalists and student leaders are among those who have been targeted for enforced disappearance, abduction, arbitrary arrest, and torture and other ill-treatment. The violence takes place in a context of increasing political unrest and Pakistani military operations in Balochistan. The province has a long history of insurgency, with local groups advocating greater autonomy and a bigger share of the revenue generated by the

province's natural resources, principally natural gas. Despite promises by federal and provincial governments to offer a greater share of these resources to the Baloch community, these groups claim these resources disproportionately benefit other provinces. The confrontation between Baloch nationalists and the state is characterized by human rights abuses committed by both sides.

Previously, the bodies of missing people were rarely recovered. But the bullet-riddled bodies of people who have been abducted, many showing signs of torture, are being found in increasing numbers across Balochistan. During the period from 24 October 2010 to 31 May 2011, Amnesty International recorded 73 cases of alleged enforced disappearances and 108 cases of possible extrajudicial executions of Baloch activists, teachers, journalists and lawyers. At least 93 people out of the total 108 victims of alleged extrajudicial execution had reportedly disappeared before being found dead. The victims' relatives and Baloch groups blame the Pakistani security forces, particularly the Frontier Corps, for perpetrating these "kill and dump" operations.



DISAPPEARANCES IN THE FEDERALLY ADMINISTERED TRIBAL AREAS

Pakistani government forces have detained hundreds, if not thousands, of residents of the Federally Administered Tribal Areas (FATA) on suspicion of co-operating with the Pakistani Taliban. Amnesty International has corroborated media reports that Pakistani security forces detained individuals suspected of being Taliban fighters, as well as more senior leaders, in sweeps in late 2009 and early 2010 and held them in unofficial detention facilities on military bases in the region. There is no public information on the number of insurgents detained from the operations conducted since

2008 in the north-west, or their current whereabouts, but credible media reports suggest that some 2,500 people were in detention in the first half of 2010. Amnesty International and other human rights groups believe that the numbers subjected to enforced disappearances could be much higher. These detainees are not held under any clear legal framework under Pakistan's law, given FATA's exceptional legal status and the inapplicability of many laws to the region. Given the well-documented record of abuse by Pakistan's security agencies, there are ample grounds to fear that these detainees have in some cases been subjected to torture or other ill-treatment.

“My life is as if there’s a vacuum without him and there is total darkness without him... I used to feel as if I’m living, now I feel as if I’m dead.”

Amina Masood Janjua (*above*), founder of the group Defence of Human Rights, in June 2010 conveyed to Amnesty International the impact of her husband's disappearance on her life.



Ghulam Murtaza and his wife hold a photo of their son Mohammad Mazar ul Haq who, aged 24, went missing in Islamabad in 2007.

MAZAR UL HAQ STILL MISSING

Zia ul Haq disappeared from his Rawalpindi home in November 2007 when it was raided by eight heavily armed men. His father, Ghulam Murtaza, said four of the men were wearing Anti-Terrorist Squad uniforms while the others were plain-clothed. Another of Ghulam's sons, Mazar ul Haq, a father of three daughters, was taken the next day in the evening while returning home. Ghulam did not know where his sons were taken and immediately approached police authorities in Rawalpindi and the neighbouring city of Islamabad to try to discover his sons' fate and whereabouts, but without success. Shortly afterwards, two men claiming to be from the Special Police came to Ghulam's home and told him they would "arrest everyone in the family" if they talked about the disappearances. Despite the threat, the family made numerous public appeals for information about Mazar and Zia which were featured in newspapers and on television. Approximately six months after his abduction Zia was released but was afraid to talk about his disappearance. His brother Mazar remained missing. In 2008 the family learned through television news that Mazar ul Haq and

10 other men were standing trial on charges of terrorism and were being detained in Rawalpindi's Adiala Jail. In April 2010, an anti-terrorism court ruled that Mazar ul Haq and the other 10 men were innocent of all charges.

Shortly after the judgement, Ghulam obtained release orders for his son and went to collect him from the prison. However, prison authorities refused to release Mazar ul Haq because he and the other 10 men had been ordered to be detained for another month on new terrorism-related offences. Their detention was subsequently extended for a further 60 days. Earlier in 2011, Ghulam discovered Mazar was at an army camp in Peshawar in north-west Pakistan and he was allowed to briefly meet him. But since then Ghulam has not been allowed to meet his son and he fears Mazar may have been transferred to another detention facility. On 16 August 2011, local media reported that one of the 11 men, Muhammad Aamir, had died. His lawyer alleges that he was tortured to death in detention. The fate and whereabouts of the remaining 10, including Mazar ul Haq, are still unknown.

HOPES RAISED AGAIN

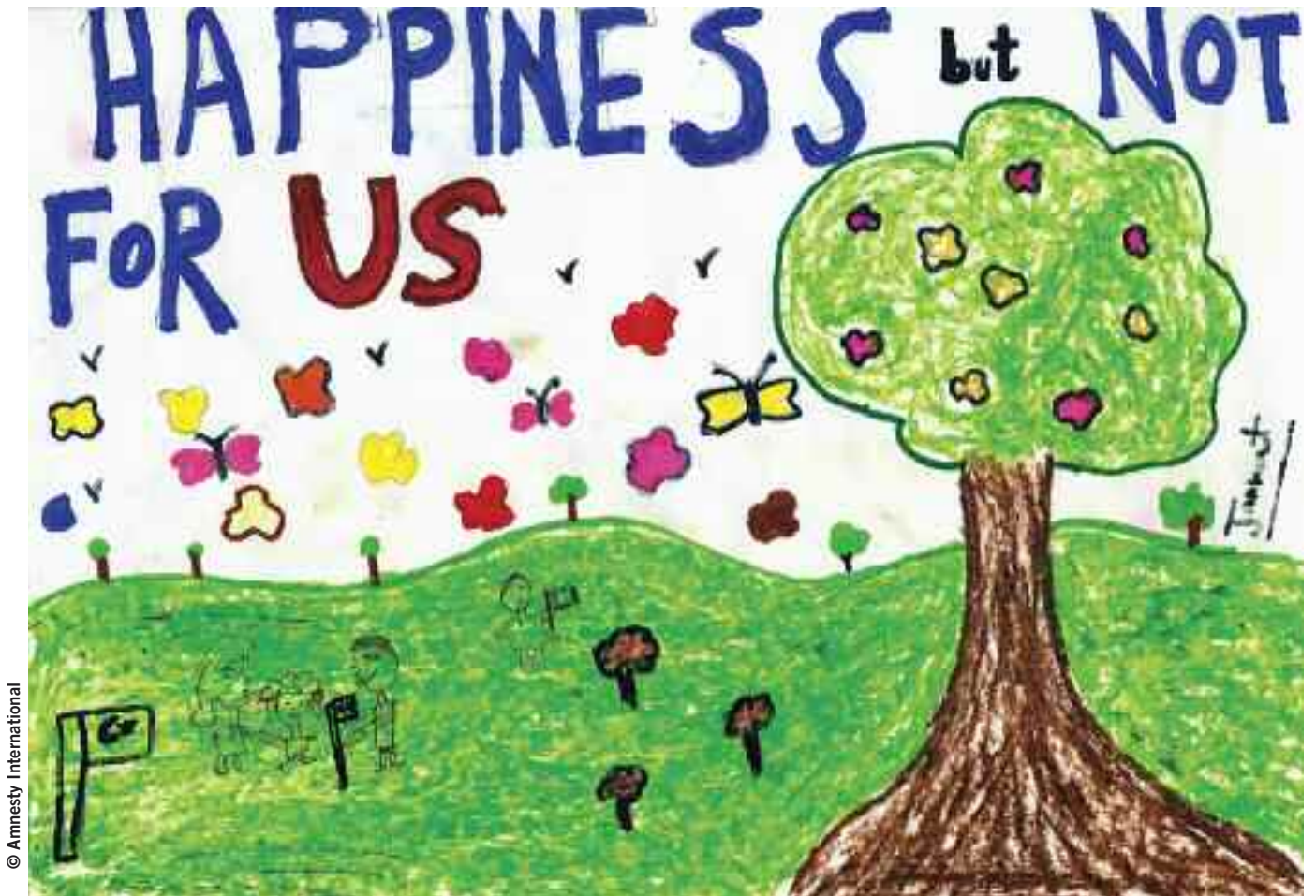
In March 2010, the Pakistan government established the Commission of Inquiry on Enforced Disappearances to trace the disappeared, in view of the heavy case load of the Supreme Court. A second Commission was set up in March 2011 to take forward the work of the Commission of Inquiry. Of the several hundred cases that have come before both commissions, 224 people have been traced. However, disappearances continue unabated.

The Commission of Inquiry has been criticized by human rights groups and victims' families for several deficiencies, including lack of staffing capacity to investigate the high volume of cases, failure to give equal priority to all cases that come before it, and failure to trace individuals who disappeared during the Musharraf era. It has also failed to adequately investigate the security forces and intelligence agencies, which are frequently accused of involvement in disappearances. To date no security or intelligence official implicated in a disappearance case has been prosecuted.

*“I do not want anything –
no money, no dollars,
nothing at all – just my
son.”*

Zenab Khartoum, mother of Faisal Faraz.





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There are no witness protection mechanisms in place, and relatives are often required to give information at the Commission in front of representatives of the same agencies they accuse of involvement in the disappearances of their loved ones.

The second Commission is expected to conclude later this year. Amnesty International believes that the Pakistan government should urgently address the issue of enforced disappearances and end years of state culpability, complicity and concealment.

Any act of enforced disappearance violates the right to liberty and security of person, the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment and the right of all people deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person. It also violates or constitutes a grave threat to the right to life. States must ensure that any allegation of enforced disappearance is investigated and that anyone responsible is brought to justice.

Basic guarantees that apply to all people deprived of their liberty include:

- maintaining an official register of detainees;
- the right to receive prompt independent legal assistance, to receive independent medical assistance and to contact relatives;
- impartial mechanisms for inspecting and visiting places of detention and confinement; and
- the availability of judicial and other remedies.

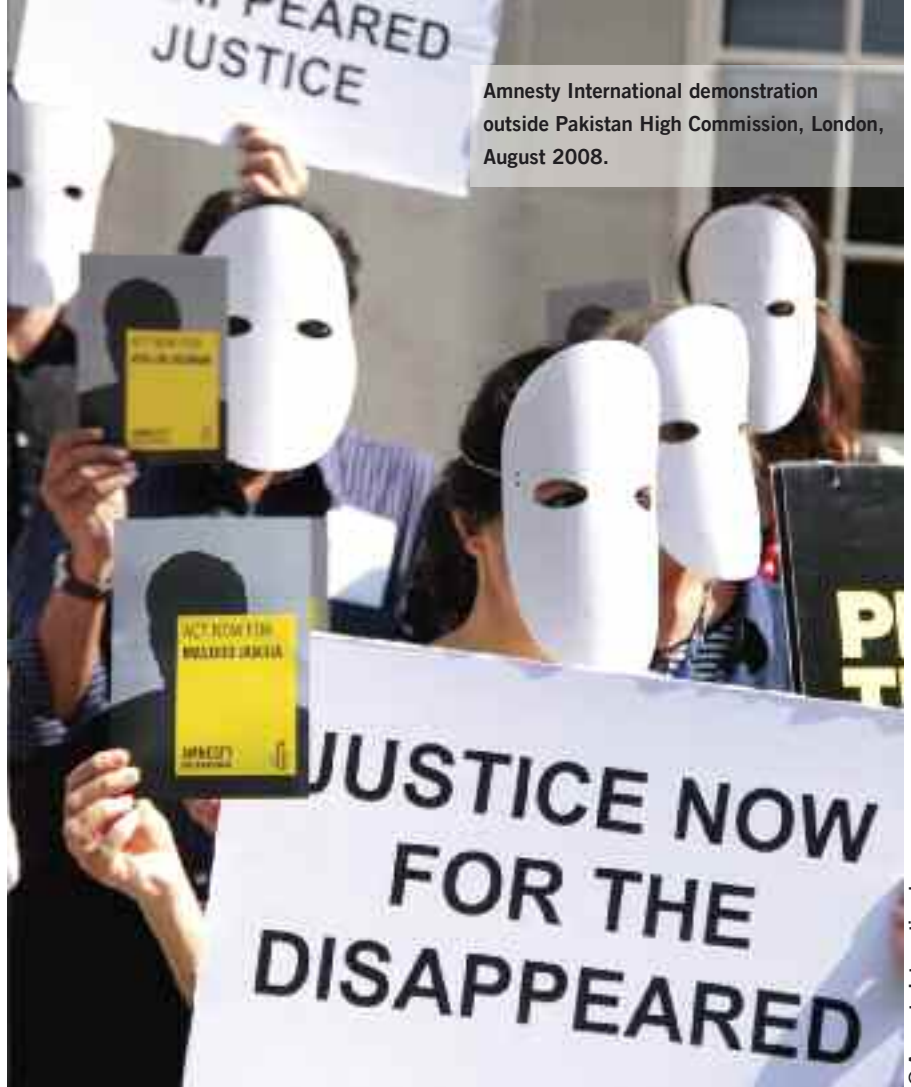
Amnesty International is urging the Pakistan government to abide by its announcement of May 2008 to accede to the International Convention for the Protection of All Persons from Enforced Disappearance, and its pledges to resolve the cases of those subjected to enforced disappearance.

Artwork by Jannat, aged 10, a niece of Faisal Faraz.

NO SECURITY WITHOUT HUMAN RIGHTS

The Pakistani authorities can and should act to protect the rights and wellbeing of their citizens, including from acts of terrorism and other human rights abuses by armed groups. Amnesty International has consistently denounced indiscriminate attacks and attacks targeting civilians carried out by armed groups such as the Taliban or al-Qa'ida. All those responsible for these and similar crimes must be brought to justice. At the same time, all measures taken to combat terrorism must fully comply with international human rights law and standards. Resorting to practices that violate human rights – arbitrary detentions, enforced disappearance, and torture and other ill-treatment – only undermines the rule of law, the key to real and lasting security.

Amnesty International demonstration outside Pakistan High Commission, London, August 2008.



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*I am amazed to see...
That you are not here...
But the flame of Hope still
Burns amidst Darkness.
And My Tender Heart cries...
You are the Soul...
My LOVE,
Of My precious LIFE...!!!
Yes Yes You ARE...
Right Here...
In my Heart...!!!*

Verse from Amina Masood Janjua's poem, *I'm amazed to see that you're not here*

ACT NOW

Write to the Prime Minister of Pakistan, urging the government to:

- end the practice of secret and arbitrary detentions, including by ensuring the rights of all detainees to contact with the outside world – including lawyers, family and courts – are fully guaranteed by Pakistani law and respected in practice;
- ensure the Commission of Inquiry on Enforced Disappearances has the power and resources to investigate and publicly establish the fate and whereabouts of all individuals who have been subjected to enforced disappearance and rendition;

- immediately release anyone who has been held in secret detention, who is not charged and promptly tried in proceedings meeting international fair trial standards, without recourse to the death penalty;

- provide redress to the victims of enforced disappearance, including family members, and protect relatives and witnesses against the threat or other risk of reprisals or intimidation;

- ensure all individuals responsible for enforced disappearances are identified and made accountable for their actions in fair trials, regardless of their rank or office;

- ratify the International Convention for the Protection of All Persons from Enforced Disappearance and fully implement its provisions.

Send appeals to:

Prime Minister Syed Yousuf Raza Gilani
Pakistan Secretariat
Constitution Avenue
Islamabad
Pakistan
Fax: +92 51 9213780
Salutation: Dear Prime Minister

Rehman Malik
Minister for the Interior
Room 404, 4th Floor, R Block
Pakistan Secretariat
Constitution Avenue
Islamabad
Pakistan
Fax: +92 51 9202624
Salutation: Dear Mr Malik

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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