Extra Judicial Killings and Enforced Disappearances in Sindh, Pakistan

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Submitted By

World Sindhi Congress (WSC) and Asian Legal Resource Centre (ALRC)

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The World Sindhi Congress (WSC) is one of the most prominent human rights education and advocacy organizations for Sindh and Sindhis. The main objective of WSC is to establish an infrastructure to teach and disseminate educational material to the public, including, but not limited to, material relating to culture and literature of Sindhi people, their persecuted status in Pakistan, and their peaceful struggle for the human rights including the right to self-determination through publications, lectures, media or otherwise.

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The Asian Legal Resource Centre (ALRC) works towards the radical rethinking & fundamental redesigning of justice institutions in Asia, to ensure relief and redress for victims of human rights violations, as per Common Article 2 of the International Conventions. Sister organisation to the Asian Human Rights Commission, the ALRC is based in Hong Kong & holds general consultative status with the Economic & Social Council of the United Nations.

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I. INTRODUCTION

Overview report

1. This report, jointly submitted by the **World Sindhi Congress** and **Asian Legal Resource Centre**, focuses on the problems of enforced disappearances, torture and extra-judicial killings in Sindh. Underpinned by a compilation of reported cases, this report demonstrates that the impunity with which Pakistan government officials operate in the region leads to a situation where international human rights law is routinely violated, resulting in an unacceptable situation for the people of Sindh as well as forthe overall population of Pakistan.

Sindh and Human rights in Pakistan

2. Sindh is a province in south-eastern Pakistan with a population of approximately 35 million people, according to the 1998 Population Census - this number has since then increased considerably. The territory enjoyed territorial autonomy under British rule and has historically been recognized as a separate political entity. Since it joined Pakistan during the Pakistani-Indian separation, the Sindh people have experienced not only loss of provincial autonomy but also threats to its distinct culture and language. For over decades now, Pakistani authorities have systematically oppresed activists who voice concerns against human rights violations.

II. ENFORCED DISAPPEARANCES

- 3. Enforced disappearance is a crime under international law. Not long ago, the crime was specifically addressed in the 'International Convention for the Protection of All Persons from Enforced Disappearances' of which Pakistan is not a signatory yet. In this Convention, it is determined that no one should be subjected to enforced disappearance and that no exceptional circumstance such as a public emergency could be invoked to justify the crime. In the previous UPR, Pakistan stated that Supreme Court of Pakistan had taken action after the Report of the Working Group. This report, however, shows that no concrete steps have been taken by the state in its resolution.
- 4. Pakistan is also bound to rules against enforced disappearances under national law. Article 9 of Pakistan's Constitution provides that "no person shall be deprived of life or liberty save by law". Whereas it is not a particular crime in national law^{iv}, its components are made illegal in laws on kidnappings, abductions, unlawful detention, and wrongful restraint and confinement.
- 5. Official numbers on the occurrence of enforced disappearances vary depending on

the source. The latest report of the UN Working Group on Enforced Disappearances came to a total of 14,000 outstanding cases in Baluchistan. Sources inside the federal government put the number of cases in Balochistan at 54, whereas the Sindh Home Department claims only 16 people are missing. How National Crisis Management Cell of the Interior Ministry later put the number of individuals who have gone missing in the last three years at 69, whereas a source in the Sindh High Courts claims that the real number is closer to 200. He Pakistani Commission of Inquiry on Enforced Disappearances, established in 2010, had located 982 missing persons by 2016 failing in solving 1,273 cases including Mr. Fayaz Dahri that are still missing. Hill should be noted that these numbers are not accurate since due to the nature of the crime, many instances go unreported because of fear of repercussions for the victims or those who report their disappearance.

- 6. In many cases, attempts by family members to report a disappearance are hindered by the authorities^x.
- 7. Not only are those who protest against the government targeted for enforced disappearance. There are several cases of university authorities alleged to use the police and security agencies to cover up malpractices at their institution.

III EXTRAJUDICIAL KILLINGS

- 8. Related to enforced disappearances in its use for political repression is the crime of extra-judicial killing. In the previous UPR, several countries and NGOs called on Pakistan to take steps to investigate extra-judicial killings^{xi}. Extra-judicial killings have been described as '[...] killings committed outside the judicial process by, or with the consent of, public officials [...]'xii and include arbitrary executions, extra-legal executions, and summary executions.xiii Pakistan is obliged to refrain from extra-judicial killings through its obligations under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights^{xiv}.
- 9. Extra-judicial killings often come after prolonged enforced disappearance, which increases the fear of those who are left behind. There is a grave situation of extra-judicial killings in Sindh since 2012 especially in the year 2014.

Compilation of Reported Cases of Extrajudicial killing and enforced disappearances of is in Sindh (2012-2016):

- On 7th April 2012, **Bashir Khan Qureshi**, Chairman of Jeay Sindh Qaumi Mahaz (JSQM), passed away under mysterious circumstances in Sakrand, Sindh. Initial information pouring in said the nature of his death was a poison by phosphorus. He was on a party tour when suddenly lost consciousness after having dinner with his party workers. Dr. Qayum Rajpar, a member of 15-member post-mortem medical board, told the News that JSQM Chairman was poisoned to death. People from a different school of thought believe that the reason of his death was to organize an "Independence March" on 23rd March 2012 in Karachi, where hundreds of thousands of people gathered.
- On 6th February 2012, **Jabbar Kehar** was burned by an unknown person in his home in Dhamrah, district Larkana, Sindh. He died later in the Civil Hospital Karachi. He was affiliated with JSMM.
- Muzafar Hussain Bhutto, a resident of Sehwan, district Dadu and a senior leader
 of Jeay Sindh Mutahida Mahaz (JSMM) was kidnapped in February 2011 from
 Saeed Abad toll plaza in front of tens of eye witnesses. He was killed and dumped
 near Hyderabad on 22nd May 2012. He was previously enforced disappeared but
 released after many months of torture.
- Security agencies abducted **Dewan Prem Chandio (41)** from Naseerabad, district Larkana on 16th October 16, 2013. He was killed and dumped in Layari, Karachi on 18th October 2013. He was a member of the central committee of JSMM.
- **Afzal Panhwar** (23), central vice president of JSMM, was killed in Kotri city in a fake encounter on 15th August 2013.
- **Sobal Dahar** and **Yameen Chachar**, residents of Daharki, District Ghotki, were members of Jeay Sindh Tahreek (JST), were killed in Gulshan Iqbal area of Karachi, Sindh on 15th August 2013 in a fake encounter by police.
- On 15th August 2013, **Zamin Shah** was killed in Gulshan Iqbal, Karachi in a fake encounter. He was a member of the central committee of JSMM.
- Sajjad Murkhand (19) and Amir Khuhawar (22) were abducted by the security agencies on 24th April 2013 from Larkano, Sindh. After five days of their abduction, their tortured and bullet-riddled bodies were dumped on a roadside in Dadu, Sindh.
- **Zakir Bozdar** has disappeared for five months and then returned home. Abducted another time in 2016.
- Murtaza Chandio together with other five activists, in 2012 was kidnapped with no tracks for one year^{xv}. His brother Waqar Chandio had also been abducted because of suspicious political activities^{xvi}.

- Faquir Najeeb Qureshi went missing after his wife gave birth to their son. Victim of torture, he returned home alive in August 2012 after three months of detention^{xvii}.
- Asif Bhutto, a relative of Muzaffar Bhutto who was murdered in 2011, had been missing in May 2012 and returned home alive in August of the same year^{xviii}.
- **Sanullah Bhatti**, the leader of JSMM, was abducted, tortured on August 2012, returns home after one year.**
- On 14th February 2014, **Sahab Khan Ghoto** (40) was traveling from Sukkur to his home town Ghotki in public transport, along with his brothers, Israr Ahmed Ghoto and Naveed Ahmed Ghoto. Their vehicle was stopped near Navy Park, Rohri by intelligence agency personnel. After learning of Sahab Khan Ghoto's identity, they took Sahib Khan forcibly to an unknown place, leaving behind his brothers. He was a human a rights activist and district leader of JSMM. His brothers filed a petition in Sindh High Court, and that hearing was scheduled on 25th February 2014. On 18th February 2014, his tortured and bullet-riddled body was dumped near a railway track Bhirya Road, District Naushero Feroz, Sindh. Sahab Khan Ghoto was abducted two times previously by security agencies but freed after illegal detention and torture^{xx}.
- On 20th March 2014, Maqsood Khan Qureshi (44), spokesperson of Jeay Sindh Qaumi Mahaz (JSQM) and an accompanying activist, Salman Wadhio (21) were torched by fire and killed in District Nawabshah. It is reported that their car was fired upon from close range and then was set ablaze in. Their bodies were charred beyond recognition. Maqsood Khan Qureshi was the brother of the slain Sindhi nationalist leader Bashir Khan Qureshi, who was also allegedly poisoned to death on 7th April 2012 by Pakistan Intelligence agencies.
- Waqar Dawach and Jamil Baber were activist of JSMM and killed on 14th May 2014 and 22nd May 2014 in Kotri, Sindh respectively.
- On 29th May 2014, Munir Choliani (40), a prominent Sindhi nationalist leader and Media Coordinator of JSMM, was killed, when he was traveling from his hometown Warah, District Larkana, to Sann District Dadu. He was with his wife, daughter, and driver when his car was stopped on Indus Highway by plain-clothed security personnel. Munir Choliani along with his wife and daughter were abducted in their car, and later his wife and child were released at a nearby village, Hyder Rind. The car was abandoned in Gidarchi Forest. Within hours, the bullet-riddled body of Munir Choliani was found near Boobak Town, District Dadu. It is important to note that for the last 17 years he was completely wheelchair-bound due to the paralysis of his lower half.
- Anees Soomro was district president of the JSMM, East Karachi. He was kidnapped and killed in a fake encounter at Sohrab Goth Karachi on 23rd June

2014.

- Fateh Dahri, Activist of JSMM West Karachi, and Saleem Panhwer, district president of JSMM Korangi, were killed in a blast near Garden Sadder Bazar, Karachi on 4th July 2014.
- Jani Bhatti, district president of JSMM Malir Karachi, was abducted by intelligence agencies and killed in a fake encounter on 12th August 2014.
- Saleem Panhwar had been extra-judicially killed after six months of torture and detention^{xxi}.
- On 16th October 2014, Shakeel Khoharo (30), a resident of District Larkana, died after being brutally tortured for six consecutive days by Pakistani security agencies. His dead body was dumped on the roadside in Jamshoro district. He was a human rights activist and a member of JSMM. ⁽¹⁾ HRCP's alarm at missing men in Sindh turning up^{xxii}.
- On October 2014, Sayed Paryal Shah (28) s/o Syed Bachal Shah, district president of JSMM, was traveling from Kashmore to Daharki when plain-clothed security personnel abducted him near the town of Obaro, District Sukkur. His family filed a petition in the High Court of Sindh for illegal abduction, as no case was filed against him at any police station. On 7th November 2014, after 24 days of abduction, his mutilated and tortured body was found in Sajarpur, district Rahim Yar Khan, Punjab. Last year, his younger brother Zamin Shah was also killed by security forces in Madhu Goth, Karachi. He was married and the father of three daughters. (1) HRCP's alarm at missing men in Sindh turning up dead*xxiii.
- Roshan Brohi (25) an activist of Jeay Sindh Mutahida Mahaz (JSMM) was abducted by plain-clothed security agencies from the Larkana district. He was a peon in a school; His family members filed a petition in High Court of Sindh for his illegal abduction. On 12th November 2014, after 27 days in kidnapping, his mutilated and tortured body was found in Gulshan Hadeed, National Highway, Karachi. (1) HRCP's alarm at missing men in Sindh turning up dead**xiv.
- Asif Panhwar (22) was a student in final year in University of Sindh, Jamshoro, a human rights activist and a political worker of a student wing of JSMM, a resident of Golarchi, District Badin, Sindh. He was abducted by police and intelligence agencies on 15th August 2014 from Nasim Nagar, Qasimabad, Hyderabad, where a whole neighborhood witnessed his abduction by forces. No case was registered against him by either police or any other intelligence agency, and no agency admitted to having him in their custody. His family members had filed a petition in the Sindh High Court to declare his arrest by police, but the court did not issue any order to the authorities. On 24th November 2014, his mutilated and tortured body was found near Bakrani village, district Larkana. (1) HRCP's alarm at missing men in Sindh turning up dead^{xxv}.

- Barkat Chandio was abducted, and he has been found shot dead the day after with several proofs of torture. xxvi
- On 27th November 2014, Waheed Lashari (42), a human rights activist and political leader of Jeay Sindh Quami Mahaz (JSQM) was killed, and his tortured body was found near a drainage canal, Malir, Karachi. He was abducted by police and intelligence agencies from the highway while traveling with his sister in a local van from Warah, district Larkana on 25th September 2014, where dozens of people witnessed his abduction. Neither he was produced in any case nor was his arrest shown in any police station. His family members and party workers continuously protested for his safe recovery and filed a petition in Sindh High Court. (1) HRCP's alarm at missing men in Sindh turning up dead**xvii.
- Sarwech Pirzado (21) a political worker of JSMM, went missing on 11th September 2014 from Saddar area of Karachi. His family members filed a petition in High Court of Sindh for his illegal abduction. The High Court issued an order to produce Sarwech Pirzado within two days, but instead, his body was found on 1st December 2014 from Nooriabad, Karachi.
- Allah Wadhayo Mahar (21), a member of JSMM, was picked in September 2014 by security agency personnel. He worked as a watchman at a private school in Bhitaiabad, Gulistan-i-Jauhar, Karachi from where he was taken. He was found with bullet wounds (probably presumed dead) along with mutilated bodies of his two friends, Fahim Bhutto and Karim Memon, on 1st December 2014. His parents were informed, and he was shifted to Karachi Civil Hospital. On regaining consciousness, he told police that he wants to be shifted from the hospital, else he will be killed. The same day he was taken from hospital by about two dozen armed men, some in police uniform in front of his crying and protesting parents. His body was found later from Noori Abad, Karachi. (1) HRCP's alarm at missing men in Sindh turning up dead.xxxviii
- Wajid Langah (24) and Fahim Bhutto (17), activists of JSMM were taken away from Pipri, Steel Town on 13th August 2014. Their parents filed a petition before Sindh High Court about their abduction and whereabouts. On 1st December 2014, their bodies were found from Nooriabad, Karachi and Hub Chowki, Karachi respectively.
- **Karim Memon** (24), an activist of JSMM, was picked from Sachal Goth on 14th August 2014 and his tortured body with gun shots was found on 1st December 2014 near Hub Chowki, Karachi.
- On March 21st, 2014, Manzoor Ahmed Channa (29) was killed by law enforcement agencies in Nawabshah, Sindh in a peaceful protest organized against the killings of JSQM Leaders, Magsood Qureshi and Salman Wadhio,
- Raja Dahir Bhambhro (40), one of the renowned political and human rights

activist and central leader of JSMM was abducted on 4th June 2015 by Pakistan Rangers from his village Bachal Bhambhro near Rasool Abad, Khairpur District, Sindh, in front of many eyewitnesses. He was missing for more than a month, and many around the globe called for his whereabouts and feared that he might have become a victim of on-going extrajudicial killings in Sindh. On 26th July 2015, his mutilated body with gunshots was identified. A post-mortem showed that he was shot twice in the head from close range. ⁽¹⁾ Amnesty International, Public Statement, Pakistan: Investigate the possible enforced disappearance and unlawful killing of political activist Raja Dahir Bhambro, (AI Index: ASA 33/2167/2015), July 28, 2015. ⁽²⁾ Human Rights Commission of Pakistan; HRCP slams killing of disappearance victim in Sindh, July 27, 2015^{xxix}. ³⁾ Asian Human Rights Commission, PAKISTAN: Raja Dahir, abducted by Rangers in June, found dead, tortured, July 27, 2015^{xxxx}.

- **Haneef Zoar** (27) was killed by security forces on 22nd November 2011 near Thatta. (To be confirmed)
- **Ashiq Mugheri** was shot dead as extra-judicial killing and found in December 2016^{xxxi}.
- Zakir Bozdar from the Nationalist party JSMM, on December 10, 2016, was found shot dead in Ghokti City. His body was mutilated and abandoned after he was missing for six days. He was already abducted three years before and released alive after five months of captivityxxxii. JSMM Chairman Shafi Burfat said: "Pakistani state's savage institutions have crossed all the limits of humanity and humanism by extra-judicially killing Zakir Bozdar after inflicting severe inhuman torture upon him"xxxiii.
- **Ustad M.Rahimon** has been missing since November 2016. He was taken away by the Police and tortured. He has recently returned home **xxiv*. He was released a few weeks ago. He has gone total silent indicating the infliction of the torture.

IV GENERAL OBSERVATIONS

- 10. Apparent in the examples of enforced disappearances and extra-judicial killings discussed above is the culture of impunity surrounding intelligence service employees in Pakistan. Many of the crimes were committed in broad daylight, by uniformed security personnel, or by men arriving in police vehicles. None of the cases reviewed in this submission have led to the criminal persecution of the officials involved.
- 11. There has been no government action on the human rights violations mentioned above. At few times, the Sindh High Court and Supreme Court of Pakistan took Suo-Motu action for a limited number of enforced disappearance cases. Most of those cases, however, could not be resolved due to non-cooperation of the government

departments, especially security agencies under control by the military. Pakistani government constituted a judicial inquiry into the missing person's cases, but that could not bring culprits to the justice neither missing persons were brought back. In 2009, the Sindh local government set up a task force to trace missing persons and gave information on the whereabouts of three missing persons. However, the number of the disappeared has increased steadily since, and it is unclear what further actions the task force has taken. In some cases, the Heads of the Sindh Rangers, police and security agencies were informed about the situation by the Supreme Court of the Sindh High Court, but this has rarely lead to an acknowledgment of the location of the missing person. The Anti-Terrorism Act, introduced in 1997, has been criticized for undermining the constitutional protections against unlawful detention in the previous UPR and by various actors sincexxxv. On the legal extent, provincial high courts as well as the Supreme Court have failed to take effective measures. The provincial courts, for example, have been unwilling to uphold the right to habeas corpus, the right to be brought before a court and challenge the legality of one's detention.xxxvi The Supreme Court has repeatedly spoken out against enforced disappearances but seems to be focusing more on retrieving the disappeared than bringing those responsible to justice, effectively contributing to a sense of impunity for security agencies xxxvii. Furthermore, the Pakistan Protection Ordinance, promulgated in 2014, gives authorities more powers in law enforcementxxxviii as measures to combat terrorism. Therefore, recommendations have not been implemented^{xxxix}.

12. The victims of enforced disappearances and extra-judicial killings in Sindh are mostly political activists. Two groups can be distinguished: those who belong to Islamic organizations and are targeted under the pretext of the 'war on terror,'xli and those who are secular nationalist leaders.xl However, as we have seen above, other institutions also use the police and other agencies to silence opposing voices.

V. RECOMMENDATIONS

Given the above-mentioned human rights situation in Sindhi, we strongly urge the Pakistani authorities to consider the following recommendations:

- Fulfill the accepted UPR first cycle recommendation to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and enact national legislation to support the implementation of the obligations
- Investigate all cases of enforced disappearance that are currently pending. Publicly
 establish the fate of each victim, and ensure that perpetrators are identified and
 undergo prosecution and punishment for their crimes

- Make publicly available and continuously update record of all detentions and arrests, including all people currently in detention
- Revise laws that give a broad mandate to the police forces to arrest and detain suspects without clearly defined charges, including the Anti-Terrorism Act of 1997
- Encourage and enable national courts to uphold the right to habeas corpus
- Follow the recommendations by the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and Working Group on Enforced or Involuntary Disappearances, when visited Pakistan in 2013 and the recommendations of the UN Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Pakistan (26 February 2013) A/HCR/22/45/Add.2, paras 86 to 100.
- Respects the right to life of every citizen and ensures that due process is followed in any legal measure restricting this right^{xli}

¹ UN General Assembly (GA), *International Convention for the Protection of All Persons from Enforced Disappearance* (20 December 2006) GA Res 61/177, art 1.

UN Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Pakistan (26 February 2013) UN Doc A/HRC/22/45/Add.2

[&]quot;UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Fourteen Session, Geneva, 22 October-5November 2012) A/HCR/WG.6/14/PAK/1,.; National Report submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21paras 82 to 84 and paras 33-34. Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/2 (A/HCR/WG.68/1442/PAK/2) para 10 and 81.

^{IV} A/HRC/22/12, 2nd cycle, 122.20., 122.114.-115 France, Germany et al.: Specifically criminalize enforced disappearances in the penal code and reinforce the capacities of the Pakistanis Inquiry Commission on Enforced Disappearances in order that the Commission can fully carry out its mission

^v UN Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances* on its mission to Pakistan (26 February 2013) UN Doc A/HRC/22/45/Add.2.

vi Aftab Channa, '54 or 16? How Many Are 'Missing'In Sindh?'(22 February 2012) available

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vii 'Sindh Follows Balochistan In Missing Persons: 82 Missing From Balochistan 69 From Sindh In Recent Months' (27 February 2012) available at: http://iaoj.wordpress.com/2012/02/27/sindh-follows-balochistan-in-missing-persons-82-missing-from-balochistan-69-from-sindh-in-recent-months/ [accessed 7 April 2012].

wiii EU High Representative for Foreign Affairs and Security Policy. 28 January 2016. "GSP+ Covering the Period 2014 – 2015", p 192. Brian Finucane, 'Enforced Disappearances As A Crime Under International Law: A Neglected Origin In The Laws Of War' 2010, 35 *Yale Journal of International Law* 171, 173; Asian Human Rights Commission, 'Pakistan: The Bodies Of Two More Missing Persons From Sindh Have Been Found' (15 February 2012) available at: http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2012; [accessed 7 April 2012].

^{*} Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status Human Rights Council Twenty-ninth session A/HRC/29/NGO/52

^{xi} UN Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Pakistan (26 February 2013) A/HCR/22/45/Add.2, paras 86 to 100.

xii Nigel Rodley, The Treatment Of Prisoners Under International Law [2nd ed, Oxford 1999] p 182.

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viv Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) UDHR) arts 2, 3; International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) arts 2, 6, 14, 16, 26; see UNGA, Summary of Arbitrary Executions (18 December 1990) A/Res/45/162; Un Commission on Human Rights, Extrajudicial, Summary or Arbitrary Executions (5 March 1992) E/CN.4/RES/1999/72.

^{**} http://www.dawn.com/news/702107

xvi http://industribune.net/blog/news/1325

xvii https://tribune.com.pk/story/388750/missing-man-shc-seeks-report-from-dig/

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xix http://www.dawn.com/news/740759

^{**} Asian Human Rights Commission; http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-021-2014

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social and cultural rights, including the right to development; Written statement* submitted by the Asian Legal Resource Centre, a non-
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xlA/HRC/WG.6/14/PAK/3, 2nd cycle, 82, UNPO: called for the revision of laws giving a broad mandate to police to arrest and detain
suspects without clearly defined charges, including the Anti-Terrorism Act of 1997
xl BBC Urdu, MissingPersons Of Sindh (21 Februari 2012) available
at: <a href="http://www.youtube.com/watch?v=YdDjt3aEJX4&feature=youtu.be">http://www.youtube.com/watch?v=YdDjt3aEJX4&feature=youtu.be</a> [accessed 17 April 2012].
xii Human Rights Council Thirty-first session Agenda item; Written statement* submitted by the Asian Legal Resource Centre, a non-
governmental organization in general consultative status A/HRC/31/NGO/126 2016
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xxiihttp://hrcp-web.org/hrcpweb/hrcps-alarm-at-missing-men-in-sindh-turning-up-dead/