



UPR Submission
Pakistan
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Summary

Ongoing human rights concerns in Pakistan include a dramatic increase in killings across the southwestern province of Balochistan, continuing torture and ill-treatment of criminal suspects, discrimination against religious minorities, intimidation of and attacks on the media, and unresolved enforced disappearances of terrorism suspects and perceived opponents of the military. This submission will focus on four core areas where Human Rights Watch has conducted extensive research and will examine Pakistan's adherence to commitments made in response to the Universal Periodic Review in 2008.

1. Extrajudicial killings and enforced disappearances

Conditions have markedly deteriorated in the mineral-rich province of Balochistan since 2008. Human Rights Watch has documented continued enforced disappearances and an upsurge in killings of suspected Baloch militants and opposition activists by the military, intelligence agencies, and the paramilitary Frontier Corps. Baloch nationalists and other militant groups have also stepped up attacks on non-Baloch civilians, teachers, and education facilities, as well as against security forces in the province. Pakistan's military continues to publicly resist government reconciliation efforts and attempts to locate ethnic Baloch who had been subject to "disappearances." The government has not demonstrated the political will or capability to rein in the military's abuses.

a) Extrajudicial Killings

Across Balochistan since January 2011, at least 300 people have been abducted and killed and their bodies abandoned—acts widely referred to as "kill and dump" operations, in which Pakistani security forces engaged in counterinsurgency operations may be responsible. Assailants have also carried out targeted killings of opposition leaders and activists. The surge in unlawful killings of suspected militants and opposition figures in Balochistan has taken the brutality in the province to an unprecedented level. For example, in the first 10 days of July 2011, nine bullet-riddled bodies, several of them bearing marks of torture, were discovered in the province.

While Baloch nationalist leaders and activists have long been targeted by the Pakistani security forces, since the beginning of 2011 human rights activists and academics critical of the military have also been killed. Siddique Eido, a coordinator for the highly regarded nongovernmental organization Human Rights Commission of Pakistan (HRCP), was abducted with another man by men in security forces uniforms on December 21, 2010, from the town of Pasni in Gwadar district. The bodies of both men, bearing marks of torture, were found in Ormara, Gwadar district, on April 28, 2011. In March 2011, an HRCP coordinator for the city of Khuzdar, Naeem Sabir district, was shot and killed by unknown assailants.

In June 2011, Saba Dashtiyari, a professor at the University of Balochistan and an acclaimed Baloch writer and poet, was shot dead by unidentified gunmen in the provincial capital, Quetta. Dashtiyari had publicly backed the cause of an independent Balochistan.

The southern port city of Karachi experienced an exceptionally high level of violence during the year, with some 800 persons killed. The killings were perpetrated by armed groups patronized by all political parties with a presence in the city. The Muttaheda Qaumi Movement (MQM), Karachi's largest political party, with heavily armed cadres and a well-documented history of human rights abuse and political violence, was widely viewed as the major perpetrator of targeted killings. The Awami National Party and the Pakistan People's Party (PPP)-backed Aman (Peace) Committee killed MQM activists. Despite an October 6 Pakistan Supreme Court ruling calling for an end to the violence, authorities took no meaningful measures to hold perpetrators accountable.

b) Enforced Disappearances

In its adoption of the UPR Outcome Report, Pakistan agreed to accede to the International Convention for the Protection of All Persons from Enforced Disappearance. However, Pakistan has failed to adhere to this commitment. Pakistan also agreed to implement international human rights obligations within Federally Administered Tribal Areas and refrain from detention that contravenes international standards of due process. Instead, Pakistan enacted the "Action in Aid of Civil Power Ordinance, 2011," which retrospectively provides legal cover to detentions by the military since 2008. This regulation, which deprives citizens of a fair trial and an impartial tribunal and effectively legalizes detention without trial by intelligence agencies, is both in violation of international human rights law and Pakistan's constitution.

In Balochistan, Human Rights Watch has documented how Pakistan's security forces, particularly its intelligence agencies, targeted for enforced disappearance ethnic Baloch suspected of involvement in the Baloch nationalist movement. Abductions are carried out in broad daylight, often in busy public areas, and in the presence of multiple witnesses. Victims are taken away from shops and hotels, public buses, university campuses, homes, and places of work.

Victims of enforced disappearances in cases documented by Human Rights Watch are predominantly men in their mid-20s to mid-40s, although Human Rights Watch has also documented disappearances of three children and three instances of victims aged over 60 years. Most victims appear to have been targeted because of alleged participation in Baloch nationalist parties and movements. In several cases, people appeared to have been targeted because of their tribal affiliation, especially when a particular tribe, such as the Bugti or Mengal, was involved in fighting with Pakistan's armed forces.

Witnesses frequently described the perpetrators as armed men in civilian clothes, usually arriving in one or more four-door pickup trucks. The witnesses typically referred to these assailants as representatives of the "agencies," a term commonly used to describe the intelligence agencies, including the Directorate for Inter-Services Intelligence (ISI), Military Intelligence (MI), and the Intelligence Bureau (IB). Other information obtained by Human Rights Watch in many cases corroborates these claims.

In 16 cases documented by Human Rights Watch, the abductions were carried out by, in the presence of, or with the assistance of uniformed personnel of the Frontier Corps (FC), an Interior Ministry paramilitary force. In a number of cases, police assisted by being present at the scene or securing an area while plainclothes intelligence officers abducted individuals who later "disappeared."

In all the cases Human Rights Watch documented, even evident members of the security forces did not identify themselves, explain the basis for arrest or where they were taking those apprehended. Often instead they beat the victims and dragged them handcuffed and blindfolded into their vehicles.

Many of the victims, especially senior political activists, have been "disappeared" more than once. They have been abducted, held in unacknowledged detention for weeks or even months, released, and then abducted again. And sometimes "disappearances" occur after the security forces have made several unsuccessful attempts at abducting a person before finally apprehending and disappearing the victim.

Those who the security forces eventually release are frequently reluctant to talk about their experiences for fear of being disappeared again or facing other repercussions. Many have been threatened with retaliation if they discuss who abducted them or reveal that they were tortured in custody. Without exception in the cases Human Rights Watch investigated, released detainees and relatives who were able to obtain information about the disappeared person's treatment in custody reported torture and ill-treatment. Methods of torture included prolonged beatings, often with sticks or leather belts, hanging detainees upside down, and food and sleep deprivation. There is increasing evidence that those disappeared are sometimes killed in custody. According to media reports, more than 70 bodies of previously disappeared persons have been discovered between July 2010 and February 2011.

2. Freedom of religion

Since 2008, religious minorities such as the Shia have faced unprecedented insecurity and persecution. Pakistan's elected government has failed to provide protection to those threatened by extremists, or to hold them accountable. In 2010 Islamist militant groups murdered senior figures over their public support for amending the country's often abused blasphemy laws. Sunni militant groups, such as the supposedly banned Lashkar-e Jhangvi, operate with impunity even in areas where state authority is well established, such as the Punjab province and Karachi. For instance, in September 2011, gunmen killed 26 members of the Hazara Shia community travelling by bus to Iran to visit Shia holy sites near the town of Mastung. Three others were killed as they took the injured to a hospital. Lashkar-e-Jhangvi claimed responsibility. On October 4, gunmen killed 13 and wounded 6 on a bus carrying mostly Hazara Shia who were headed to work at a vegetable market on the outskirts of Quetta. In 2012, the killings of Hazara Shia have continued unabated with over 30 killed in the month of April alone.

In 2010, Aasia Bibi, a Christian from Punjab province, became the first woman in the country's history to be sentenced to death for blasphemy. She remains in prison after the Lahore High Court, in a concerning move, prevented President Asif Ali Zardari from granting her a pardon in November 2010. High-ranking officials of the ruling PPP called for her release and the amendment of section 295(C) of Pakistan's penal code, otherwise known as the blasphemy law. However, the government succumbed to pressure from extremist groups and dropped the proposed amendment.

On January 4, 2011, Punjab Governor Salmaan Taseer was assassinated by a member of his security detail for supporting the amendment. On March 2, 2011 Federal Minister for Minorities Shahbaz Bhatti was shot dead for the same reason. While Taseer's alleged assassin was arrested on the spot, the government reacted to the murders by seeking to appease extremists rather than hold them accountable. Emboldened extremists exploited the government's passivity by intimidating minorities further, and the year saw an upsurge of blasphemy cases and allegations. Minorities, Muslims, children, and persons with mental disabilities have all been charged under the law.

Members of the Ahmadi religious community also continue to be a major target for blasphemy prosecutions and are subjected to specific anti-Ahmadi laws across Pakistan. They also face increasing social discrimination, as illustrated by the October expulsion of 10 students from a school in Hafizabad, Punjab province, for being Ahmadi. In November, four Hindus, three of them doctors, were killed in an attack by religious extremists in the town of Shikarpur in Sindh province, sending shockwaves through the minority community.

In its statement on the outcome report of Universal Periodic Review, Pakistan affirmed that "the statutes that could lead to discrimination against religious minorities would be reviewed." However, no such review has taken place and all discriminatory laws remain in place.

3. Freedom of Expression

The right to freedom of expression and information is under persistent pressure by militant groups, the judiciary and by the Pakistan military and its intelligence agencies in the face of government inaction. Pakistan is widely considered to be one of the most dangerous countries in the world for journalists. At least 10 journalists were killed in Pakistan during 2012.

For instance, journalist Saleem Shahzad, a reporter for the Hong Kong-based Asia Times Online and the Italian news agency Adnkronos International, was tortured and killed after receiving repeated and direct threats from the military's dreaded ISI agency. Following an international and domestic furor caused by the murder, a judicial commission was formed within days to probe allegations of ISI complicity. The commission concluded in its January 10, 2012 report to the government that the police failed to question military intelligence officials in its criminal investigation. However, the commission failed to meet the terms of its mandate by its inability to identify or hold accountable the perpetrators.

A climate of fear impedes media coverage of military and militant groups. Journalists rarely report on human rights abuses by the military in counterterrorism operations, and the Taliban and other armed groups regularly threaten media outlets over their coverage. Security forces have physically attacked media offices and are known to torture, kidnap, illegally detain, beat and coerce reporters working for local, regional and national media.

Chief Justice Iftikhar Chaudhry and the provincial high courts effectively muzzled media criticism of the judiciary in 2011 through threats of contempt of court proceedings, as has been the case since Pakistan's independent judiciary was restored to office in 2009. In a positive development, journalists vocally critical of the government experienced less interference from elected officials than in previous years.

Close to no progress has been achieved in implementing the recommendation to "investigate and prosecute both government officials and other perpetrators for acts against members of the media," which Pakistan accepted during the previous UPR in 2008. By 2010, Pakistan partly implemented the accepted recommendation to "review laws and measures to ensure that restrictions imposed on freedom of expression are in conformity with the ICCPR to which Pakistan is signatory"; but further measure are still to be taken to ensure freedom of expression and an end to intimidation of journalists.

Recommendations

Regarding extrajudicial killings and enforced disappearances, the Pakistan government should:

- Take all necessary measures to end enforced disappearances, extrajudicial killings, and arbitrary detentions, and fully investigate and prosecute as appropriate all persons, regardless of position or rank, who order or carry out such abuses.
- Make public the names and whereabouts of detainees.
- Provide immediate access by the International Committee of the Red Cross to all detainees the organization seeks to visit.
- Charge detainees with a recognizable criminal offense and promptly bring them to trial before a court that meets international fair trial standards or release them;
- Allow detainees access to lawyers and to communicate with family members;
- Communicate publicly and formally with the agencies responsible for disappearances, extrajudicial executions and other abuses, including the army, ISI, IB, Frontier Corps, police, and other law enforcement and intelligence agencies, ordering an end to abuses and facilitate criminal inquiries to hold perpetrators accountable.

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance. Invite the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Pakistan.

Regarding freedom of religion, the Pakistan government should:

- Investigate alleged human rights abuses by the Lashkar-e-Jhangvi and other militant groups and hold those responsible to account, particularly those that have committed serious abuses in Balochistan, including multiple killings of members of the Shia community.
- Take urgent measures to protect members of the Shia community and other vulnerable groups in Balochistan and across Pakistan.
- Repeal laws that discriminate against minorities including section 295(C) of the Penal Code (the Blasphemy Law) and section 298, which targets the Ahmadiyya community specifically.
- Hold accountable individuals and groups responsible for inciting violence against Muslim and non-Muslim minorities.
- Implement its 2008 commitment that “the statutes that could lead to discrimination against religious minorities would be reviewed.”
- Invite the United Nations Special Rapporteur on freedom of religion and belief to visit Pakistan.

Regarding freedom of expression, the Pakistan government should:

- End the harassment, intimidation, use of coercion, violence and other abuses against members of the media by state security forces.
- Speak out against the judiciary’s use of “contempt of court” and “suomoto” proceedings to muzzle legitimate criticism and public debate on judicial conduct.
- Investigate and prosecute as appropriate any government officials perpetrating abuses against members of the media.
- Implement the following recommendations by the Saleem Shahzad Inquiry Commission through legislation:
 - a) All intelligence agencies should be made accountable through “parliamentary oversight.”
 - b) Document through institutional mechanisms, the intelligence agencies’ “interaction with the media.”