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HUMAN RIGHTS COUNCIL  
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### HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

**Written statement\* submitted by the Asian Legal Resource Centre (ALRC),  
a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 May 2009]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

### **PAKISTAN: Failure to act to address disappearances and extra-judicial killings**

The government of Pakistan is failing to take credible steps to probe cases of disappearances that have been ongoing for decades in the country. The government is not taking effective action to address this significant human rights problem, despite calls from members of the UN and its Human Rights Council (HRC) to do so, notably during the country's Universal Periodic review (UPR) in May 2008. The Asian Legal Resource Centre (ALRC) has repeatedly brought the problem of disappearances in Pakistan, which has amongst the highest numbers of such cases in Asia, to the attention of the Council.

In response to a letter from the UN High Commissioner for Refugees (UNHCR), which was engaged in attempting to obtain the release of the UNHCR's John Solecki, who had been abducted, the Prime Minister announced the formation of a probe committee on the issue of disappearances. The committee consisted of the government of Pakistan's Secretary of the Interior, the government of Balochistan province's Secretary of the Interior, the Director of the Federal Investigation Agency, the representative of the Constabulary (a paramilitary force) and the Inspector General of Police, Balochistan province. The committee started its investigations in March.

The members of Pakistan's 'probe committee' have, however, reportedly threatened victims, witnesses and their family members including children, who were either providing testimony or offering to do so about the disappearances of people following arrest by the state intelligence agencies. For example, in the first week of April 2009, three such the witnesses were abducted from the office of their lawyer and were later killed.

Five persons, who were disappeared after their arrests and who were kept in military detention centres for many months before being release, have provided evidence concerning their incommunicado detention and torture in military cells for several months. The witnesses complained of being threatened by committee members who told them that it was known where the witnesses lived, where their children were studying and how many females members there are in their families. After participating on four occasions in the probe committee hearings the witnesses complained that they realised the hostile attitude of the committee members and decided not to attend any further sessions.

On April 3, one day before the release of Mr. John Solecki, three nationalist leaders of Balochistan, Mr. Ghulam Mohammad, 45, Chairman of the Baloch National Movement, Mr. Sher Mohammad Baloch, 35, Vice President of the Balochistan Republican Party and Mr. Lala Munir Baloch, 50, General Secretary of the Baloch National Front, were abducted from the office of their lawyer in Turbat district. Their mutilated bodies, which bore the signs of torture, were found on April 6 in the same district. Mr. Ghulam Mohammad, who attended the meetings of the probe committee, was threatened on several occasions by the members of the committee. The other two victims had also been kept incommunicado in military torture cells for almost 11 months. The three nationalists killed under mysterious circumstances after their arrest, allegedly by Military Intelligence, were the prime witnesses who had reported to the courts and the media about the disappearances and torture in military torture cells and their murders are nothing less than the silencing of witnesses.

The forced disappearance of political opponents which are attributed to the state intelligence services continues in spite of the newly elected government's claims that they will swiftly deal with this problem. Since the Pakistan Peoples' Party (PPP) came to power one year ago, no serious or credible steps have been taken to address these disappearances. The state intelligence agencies are operating in opposition to the government's efforts. In fact, since April 2008 and during the first year of the newly elected government, more than 350 persons have been disappeared after arrest. Meanwhile officers of the state intelligence agencies claim that they have been excused from the obligation of attending courts to give evidence due to reasons of national security.

The Inter Services Intelligence (ISI) and Military Intelligence (MI) agencies are suspected by the families of the disappeared of carrying out the arrest and disappearances of more than 4,000 persons since the start of the 'war on terror'. In the first nine months of the PPP's government only around a dozen people who were abducted have resurfaced. Certain religious organisations claim that more than 23 persons belonging to various religious groups, mostly young students, are still missing after their arrest.

Two months after the commencement of the probe committee it appears that all inquiries have ceased. The possibility of credible and transparent inquiries seems unlikely. Despite the assurances of the present government to the United Nations, the international community and the people of Pakistan, the disappearances of thousands of persons remain unresolved and the authorities are not making the required efforts to locate their whereabouts.

#### Recommendations:

The lack of credible steps by the government to address disappearances and extra-judicial killings is fostering impunity and engendering the continuing scourge of these grave violations. Given the deteriorating security situation in the country, forced disappearances and extra-judicial killings attributable to the State are likely to rise given this, further fuelling an already dangerous situation.

The Human Rights Council is urged to condemn the use of forced disappearance, which is habitually accompanied by torture and extra-judicial killing in the country, and urge the government to ratify and implement the core international human rights instruments, including the ICCPR and the International Convention on the Protection of All Persons from Enforced Disappearance, in line with repeated calls from civil society, international experts and several States during the UPR. Pakistan should also issue standing invitations to all special procedures and invite the Special Rapporteurs on Torture, Extra-judicial killings and the Working Group on Enforced or Involuntary Disappearances, as a priority.

The government of Pakistan is strongly urged to establish a functioning, credible and independent body to investigate disappearances, torture and extra-judicial killings. All inquiries it conducts should be open, transparent and the media should have access to report on such proceedings. If the witnesses are to come forward to give evidence appropriate measures must be taken to provide them with adequate protection. The complaints of witnesses who claim that they were threatened by some member of the present probe committee also need to be seriously investigated.

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