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Human rights situations that require the Council's attention

Written statement* submitted by the Asian Legal Resource Centre, 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.

[24 August 2012]

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

Pakistan: The ALRC calls for the Council's intervention concerning torture, disappearances, extra-judicial killings, human rights defenders and the freedoms of religion and expression

The Asian Legal Resource Centre (ALRC) wishes to highlight several priority issues that the Human Rights Council (HRC) must address concerning the human rights situation in Pakistan. The HRC has overlooked the situation in the country for years, despite serious, widespread, endemic and ongoing violations of human rights, raising questions about the HRC ability to approach country situations on merit.

The ALRC welcomes the upcoming Universal Periodic Review of Pakistan, and urges HRC members and observers to raise the following issues of concern with the Government of Pakistan (GoP) during the 21st session of the HRC and during the UPR.

The ALRC also welcomes the GoP's decision to allow several Special Procedures mandates to visit the country, bringing an end to years of obstruction. In particular, the upcoming visit by the Working Group on Enforced or Involuntary Disappearances (WGEID) is crucial, given the thousands of cases of forced disappearances alleged to have taken place there over the last decade. The ALRC urges the GoP to ensure that such visits are not simply to placate the international community prior to the UPR, but that it will guarantee that recommendations made by visiting Special Procedures are effectively implemented. The GoP must also publicly guarantee that no reprisals will go unpunished against victims or members of civil society who cooperate with international human rights mechanisms.

The ALRC urges the GoP to enhance its cooperation with the HRC by issuing a standing invitation to Special Procedures, which should be part of any credible future bid for HRC membership.

Religious discrimination: Religious discrimination and attacks on minorities continue unabated in Pakistan, due to sustained pressure from fundamentalist Islamic groups. The ALRC has documented many cases of religious persecution against Christians, Hindus, members of the Ahmadiyya community, as well as members of the Shia sect of Islam, often with the acquiescence of the authorities.

Banned religious groups continue to operate freely. In 2011 in Faisalabad city, the All Pakistan Student Khatm-e-Nabowat Federation launched a public hate campaign calling for citizens to kill members of the Ahmadiyya community and attack their businesses. The authorities took no action against the group. In Balochistan on September 20, 2011, gunmen belonging to banned religious organization Lashkar-e-Jhangvi (LeJ) shot dead 26 Pakistani Shia Muslim pilgrims travelling to Iran, bringing the total number of Shia's killed with impunity to over 800 over the last three years.

The government continues to refuse to review the country's blasphemy law, placing it in line with the ICCPR. This continues to be abused to persecute religious minorities. In one case, a ten-year-old Christian girl has been labelled a blasphemer after having misplaced a full stop in her Urdu examination paper on September 22, 2011. In another case, an 11-year-old girl from the Christian minority, who suffers from Down's Syndrome, was arrested on charges of blasphemy for burning newspapers, based on reportedly false claims that she was burning pages from the holy Quran. Members of the Muslim community attacked her house, beat her mother and sister and burned down Christians' homes. The police arbitrarily arrested and illegally detained the girl, her mother and sister, since which time their whereabouts remain unknown. Although the police claim that this is for their

protection, there are serious concerns for their safety. This case clearly illustrates how the blasphemy law is being abused to initiate attacks on religious minorities, which are compounded by acquiescence or even related abuses by state agents.

The ALRC therefore urges HRC members and observers to make the following recommendations to the GoP:

- Ensure effective protection of the freedom of religion, by investigating and prosecuting all allegations of religious discrimination and violence, including by punishing members of the authorities who acquiesce with or fail to act to prevent such abuses;
- Ensure a review of the blasphemy law to bring it in line with the ICCPR and ensure action is taken against those who abuse this law.

Freedom of expression and the media: Pakistan remains one of the most dangerous countries in the world for journalists, with both state and non-state actors targeting them with threats and attacks. The ALRC documented the killing of 16 journalists and injuring of 46 others in the first eleven months of 2011. Of these, five were allegedly abducted and killed by the state intelligence agencies. Senior journalist Mr. Saleem Shahzad, the Pakistan Bureau Chief of the Asia Times Online, was abducted on May 29, 2011, and subsequent killed. He had exposed an Al-Qaida network operating within the Pakistan Navy and had allegedly received death threats from members of the intelligence agencies, who are believed to have then carried out his killing. No effective investigations or prosecutions have been conducted into these killings.

The GoP has previously committed to review laws and measures to ensure that restrictions imposed on freedom of expression are in conformity with the ICCPR. Despite the Supreme Court ruling that all Musharraf-era amendments are now null and void, the National Assembly has retained two such amendments in the pending 2010 Pakistan Electronic Media Regulatory Authority (PEMRA) amendment Bill, in particular one banning broadcasting institutions from publicising views or actions that are “detrimental to ideology of Pakistan, sovereignty, national security and integrity.”

Recommendations:

- Publicly guarantee the security of all journalists, and ensure full and effective investigations and prosecutions into all cases of threats, attacks and killings of media workers;
- Remove all provisions in the 2010 PEMRA Bill that run contrary to Pakistan’s obligations under the ICCPR and/or threaten freedom of expression.

Torture: Despite the GoP’s ratification of CAT, torture remains endemic, widespread and typically accompanied by impunity. Torture is used by the military and intelligence agencies in the contexts of counter-terrorism and armed conflict, such as that in Balochistan province, but is also widespread in routine investigations by the police. The security forces and intelligence services are known to be operating some 50 “torture centres” in many major cantonments across the country. Documented cases include the use of: beatings with fists, sticks and guns, on different parts of the body including the soles of the feet, face and sexual organs; death threats and mock executions; strangulation and asphyxiation; prolonged shackling in painful positions; use of chilli water in the eyes, throat and nose; exposure to extreme hot and cold temperatures; mutilation, including of sexual organs; and sexual violence including rape.

Recommendations: The GoP must ensure independent civilian monitoring of all places of detention in Pakistan, including by ratifying and implementing the Optional Protocol to CAT (OPCAT) without delay, and inviting the Special Rapporteur on torture to visit the

country as a priority. It must also criminalize torture under domestic law without delay, in line with Pakistan's international obligations.

Forced disappearances: Pakistan has amongst the highest number of forced disappearances in the world, with many disappearances continuing to take place, notably in remote areas affected by armed conflict, such as Balochistan Province (in connection with conflict between governmental armed forces and Balochi nationalist armed forces); Khaiber Pakhtoon Kha province (notably under counter-terrorism, often in connivance with foreign forces); and Pakistani-held Kashmir (typically for refusal to participate in the "Jihad" inside Indian-held Kashmir or to provide information to the intelligence agencies). The ALRC has received information concerning hundreds of disappearances in Balochistan since 2008. Hundreds more have also been reported in Khaiber Pakhtun Kha and Pakistan-held Kashmir, with tens of cases being reported in Sindh and Punjab provinces.

There are hundreds of missing persons complaints before the higher courts, including the Supreme Court of Pakistan, notably concerning alleged abductions by state intelligence agencies. However, the military and intelligence agencies are ignoring Supreme Court orders to produce disappeared persons. Two judicial commissions instituted to probe cases of disappearances have been unable to get explanations from the intelligence agencies, and their recommendations have been ignored.

Recommendations for the GoP:

- Immediately locate the whereabouts of all missing persons, release all persons being detained illegally, and ensure missing persons families' rights to truth and reparation, in line with international standards;
- Ensure the immediate closure of all illegal secret detention centres; effective and independent investigations and prosecutions concerning all allegations of forced disappearances; and full cooperation by the military and intelligence services with the judiciary and the judicial commission into disappearances;
- Criminalize forced disappearance under domestic law, in line with international law and standards;
- Ratify without delay the CPED, and recognize the competence of the Committee to receive communications under article 31.

Extra-judicial killings: The ALRC has documented hundreds of cases of extra-judicial killings in Pakistan, which are accompanied by impunity, due to a lack of investigations and prosecutions. Many such killings are linked to forced disappearance and torture, following which victims are surfaced dead. For example, in Balochistan Province alone, between July 2010 and October 2011, the ALRC documented 215 extra-judicial killings following abductions by paramilitary forces or disappearance by Pakistan's law enforcement and security agencies. Journalists, teachers, political activists, students and human rights defenders have been targeted in particular. The pretext of "encounter killings" is typically used by the authorities to falsely justify extra-judicial killings as being legitimate. The GoP must therefore take the necessary measures to ensure that all allegations of extra-judicial killings are promptly and effectively investigated and prosecuted, with particular attention given to cases of extra-judicial killings following forced disappearances.

Human Rights Defenders (HRDs): HRDs remain subject to: threats and reprisals against them and their families; harassment; legal and physical attacks; arbitrary arrests and detention; forced disappearance; torture and extra-judicial killing, by state and non-state actors. The government has failed to establish an effective national policy of protection for HRDs or to combat impunity by effectively investigating and prosecuting those responsible

for attacks against them, despite the government having agreed to specific recommendations concerning these issues in the UPR's first cycle.

Persons who work in favour of human rights but contrary to the interests of radical Islamist groups face particular threats, as can be seen by the killings in 2011 of the Governor of Punjab, Salman Taseer, and the Federal Minister of Minority Affairs, Shabaz Bhatti, who were targeted in relation to their efforts to protect minorities, and their opposition to Pakistan's draconian blasphemy laws.

The ALRC is also gravely concerned by the GoP's failure to address the repressive effect of civil society monitoring procedures and anti-terrorism legislation on HRDs's work. The sentencing of six leaders of a power loom workers' union to a total of 490 years in jail based on fabricated charges under anti-terrorism legislation in November 2011 illustrates the government's failure in this regard.

The killings in Balochistan in 2011 of two HRDs who were documenting cases of forced disappearances as part of the Supreme Court's efforts to compile a list of cases, illustrate the risks to HRDs working on the gravest rights abuses. Mr. Naeem Sabir Baloch, the district coordinator of the Human Rights Commission of Pakistan (HRCP), who was working on forced disappearances in Balochistan province, was gunned down by unknown persons wearing masks and riding a motorbike on March 1, 2011. Mr. Siddique Eido of the Human Rights Commission of Pakistan was reportedly abducted on December 21, 2010, by members of the Frontier Corps (FC) and of the intelligence agencies wearing plain clothes, while he was in the custody of the police. On April 28, 2011, his body was found, bearing torture and bullet wounds. He had been receiving threats from the law enforcement agencies for him to halt his work on disappearances and other human rights issues, and had requested protection from the local authorities.

Recommendations for the GoP:

- Invite the Special Rapporteur on human rights defenders to conduct a country visit without delay;
 - Ensure reforms to rule of law institutions that include provisions to enable effective investigations and prosecutions of all threats, attacks and other abuses that target human rights defenders, including by the military, intelligence agencies and non-state actors.
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