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# PAKISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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Throughout 2010 and the beginning of 2011, the Government failed to provide a safe and enabling environment for human rights defenders, who continued to be victims of killings and abductions, in particular in areas that fall outside of its effective control, such as the provinces of Balochistan and Khyber Pakhtun Khwa. Perpetrators of violations against human rights defenders were rarely brought to justice, and impunity remained widespread throughout the country.

## Political context

In 2010-2011, extrajudicial killings and enforced disappearances remained rampant, particularly in Balochistan<sup>1</sup>, creating an extremely high-risk environment for human rights defenders. Judicial processes before the Supreme Court and high courts were still unnecessarily lengthy, contributing to a feeling of impunity. A high number of cases of enforced disappearances remained unresolved. In an attempt to address the situation, the Government set up in March 2010 a three-member Commission of Inquiry on Enforced Disappearances (CIED), headed by a former Supreme Court Judge, which submitted its first report at the end of the year. Yet, as of April 2011, its findings had not been made public and the CIED claimed that it had not been able to make any substantial progress in tracing the whereabouts of missing persons in Balochistan<sup>2</sup>.

Torture remained widespread in 2010-2011, with security forces and other law enforcement agencies enjoying almost complete lack of

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1/ Balochistan has been engulfed with a cycle of target killings for several years dating back to General Musharraf's military operation unleashed in early 2000's to quell secular Baloch nationalists' demands for maximum internal autonomy and control over the region's gas, gold and copper reservoirs. The mass killings, abductions and detentions have intensified since July 2010.

2/ The CIED, which investigated the intelligence agencies' role in enforced disappearances, was authorised to summon any senior official of the armed forces whose name surfaced in connection with the enquiries and also conducted extensive interviews with the families of the victims. Many relatives of missing persons who met a fact-finding mission to Balochistan of the Human Rights Commission of Pakistan (HRCP) in May 2011, appeared before the CIED. Most of them initially had high expectations of CIED, but informed the HRCP mission of their disillusionment over the CIED's inability to procure the recovery of their missing relatives. Some of those who had appeared before the CIED also complained of intimidation by the intelligence personnel at the hearings. They also said that the CIED expected that the families would produce witnesses of disappearance, when no arrangements had been made for protection of witnesses. See HRCP Reports, *State of Human Rights in 2010*, April 2011 and *Balochistan*

accountability. Acts of torture committed in military custody or in detention centres run by the intelligence services were also endemic. Conditions of detention remained poor in all parts of the country. In a welcomed step, the Government ratified the UN Convention Against Torture and the International Covenant on Civil and Political Rights (ICCPR) on June 23, 2010. However, Pakistani authorities made several reservations upon ratification, which raise serious concerns<sup>3</sup>.

In 2010-2011, members of religious minorities remained particularly vulnerable. In particular, members of the Ahmadiyyah religious minority<sup>4</sup> faced threats, discrimination and violent attacks, as illustrated by the attack of two Ahmadi mosques on May 28, 2010, killing at least seventy members of the community<sup>5</sup>. The Shia community was also victim of targeted killings, particularly in Balochistan<sup>6</sup>. In addition, in January and March 2011 respectively, the Governor of the Punjab province and the Federal Minister for Minority Affairs were assassinated for opposing the blasphemy law<sup>7</sup>. The UN High Commissioner for Human Rights noted that these high-profile killings were “symptomatic of pervasive violence against religious minorities in Pakistan and a lack of protection for their places of worship”<sup>8</sup>.

3 / Notably, the Government entered a reservation to Article 4 of the Convention Against Torture, which in effect, means that torture will not be criminalised under Pakistani national laws. The Government declared that the application of Articles 3, 6, 7, 18, 19 and 25 of ICCPR is accepted only as long as they are not repugnant to the provisions of the Constitution of Pakistan and the Sharia laws. Upon ratification, Pakistan also declared that it does not recognise the competence of the Committee provided for in Article 40 of the Covenant. This was forcefully rebutted by the Human Rights Committee, which reminded Pakistan that its initial report was due on September 23, 2011 and that the Committee may examine Pakistan's record even in absence of a report. See UN Human Rights Committee Press Release, April 4, 2011.

4 / In Pakistan and other countries Ahmadis are regarded by many as non-Muslims and subjected to institutionalised discrimination.

5 / See UN Special Rapporteur on Freedom of Religion or Belief, Ms. Asma Jahangir, Independent Expert on Minority Issues, Ms. Gay McDougall, and Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Philip Alston, Joint Press Release, May 28, 2010.

6 / In 2010, 105 Shia Hazaras were killed in such attacks in Balochistan. See HRCP.

7 / In February 2010, the Minister for Minorities Affairs had stated that Pakistan planned to change its blasphemy law to check its misuse by extremists. Previous attempts to reform it had stalled amid opposition from hard-line groups. In the end, no change was made in the law in 2010. In addition, at least 64 people were charged under the blasphemy law in 2010, including a Christian woman from Punjab province, who was the first woman to be sentenced to death for blasphemy. See HRCP Report, *State of Human Rights in 2010*, April 2011.

8 / See UN High Commissioner for Human Rights Press Release, March 2, 2011. Four UN Special Procedures mandate holders further stressed that “any advocacy of religious hatred that constitutes incitement to violence or hostility must be prohibited by law and effectively prevented”. See UN Independent Expert on Minority Issues, Ms. Gay McDougall, Special Rapporteur on Freedom of Religion or Belief, Mr. Heiner Bielefeldt, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr. Frank La Rue, and Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Christof Heyns, Joint Press Release, March 2, 2011.

Freedom of expression remained under attack by both Government and non-State actors. Although Pakistani media can openly criticise the Government, journalists were targeted for their critical views of the military, the intelligence services and the Taliban forces alike. Reportedly, twenty journalists and media workers were killed in 2010, making Pakistan one of the deadliest country for journalists in the world<sup>9</sup>. Widespread impunity surrounded the killing of journalists and other media workers, as reportedly not a single conviction was obtained during 2010 for killings of journalists<sup>10</sup>.

In July 2010, Pakistan's worst monsoon flooding in a century affected one-fifth of the country and resulted in the displacement of approximately seven million people. At least 1,600 people died and at least 2,000 persons were seriously injured as a result of the floods, which reportedly destroyed 1.9 million homes. The most vulnerable sectors of society, including members of minority communities, women, children, persons with disabilities and Afghan refugees appeared to be disproportionately affected in the aftermath of the floods<sup>11</sup>.

### **Assassination and abduction of human rights defenders in Balochistan and the KPK province**

In 2010-2011, defenders continued to face threats and attacks from non-State actors in Balochistan and the Khyber Pakhtun Khwa (KPK) province<sup>12</sup>. NGOs working in the health and education sectors, or those seeking to promote human rights, were often branded as "promoting obscenity" or "undermining Islam". In addition, international organisations needed to seek "No Objection Certificates" (NOC) from the Government, which hampered their freedom of movement outside Quetta, in Balochistan, as well as in parts of the Federally Administered Tribal Areas (FATA)<sup>13</sup>.

Incidents of targeted killing and abduction for ransom forced international humanitarian NGOs to curtail their activities in Balochistan and the KPK province, as several of them closed down their offices or reduced field work to prevent harm to their staff. On February 18, 2010, unidentified armed men abducted four employees of the international humanitarian NGO Mercy Corps in the Shankai area of Qilla Saifullah

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9/ See HRC Report, State of Human Rights in 2010, April 2011.

10/ *Idem*.

11/ See UN Committee on the Rights of the Child (CRC), Committee on the Elimination of Discrimination against Women (CEDAW) and Committee on the Rights of Persons with Disabilities (CRPD) Joint Press Release, October 27, 2010.

12/ The KPK province was known as the North West Frontier Province until April 15, 2010.

13/ See HRC.

district, Balochistan, on their way to the main regional office of Mercy Corps in Pakistan. The abducted team members were working with local district health officials in Balochistan to implement health programs. The abductors demanded 100 million Pakistani rupees (about 8,180 euros) ransom in exchange for the release of the four relief workers. In June 2010, Mercy Corps closed its operations in Balochistan after the kidnapers killed one of the abducted employees. In July 2010, the other three kidnapped relief workers were released unharmed<sup>14</sup>. On March 10, 2010, six Pakistani employees of the American NGO World Vision were shot dead in Oghi Tehsil of Mansehra district (KPK province). The Church-based NGO had been working for the rehabilitation of victims of the 2005 earthquake. It is believed that the Taliban were behind the attack on the office of World Vision, which subsequently suspended all its operations in the country. In addition, national and international NGOs reportedly suspended their field activities for earthquake victims in the Mansehra district and complained that the police had failed to provide them adequate security. In May, the International Committee of the Red Cross (ICRC) halted its operation in Balochistan in the wake of threats by the Baloch Liberation United Front, which demanded that the ICRC and UN organisations stop their activities in Balochistan. In late August, at the peak of Pakistan's flood crisis, Taliban threatened to attack foreign humanitarian workers in the country<sup>15</sup>.

Members of human rights NGOs in Balochistan region were also victims of reprisals. On December 21, 2010, Mr. **Siddique Eido**, a journalist and Coordinator of the Pasni Core Group of the Human Rights Commission of Pakistan (HRCP), was abducted in Gwadar by men wearing State security forces uniforms. On April 28, 2011, his body was found in Ormara, Balochistan, with apparent signs of torture. At the time of his disappearance, Mr. Eido was accompanied by four policemen. Despite repeated calls from the HRCP, the authorities made no real effort neither to secure his release nor, as of April 2011, to publicly identify and prosecute the perpetrators. On March 1, 2011, Mr. **Naeem Sabir Jamaldini**, HRCP Khuzdar Core Group Coordinator, was shot dead in Khuzdar by two unknown individuals riding a motorcycle. Mr. Naeem Sabir Jamaldini, a renowned human rights defender in the region, had mobilised community groups for the promotion and the defence of human rights and was continuously reporting human rights violations committed in the Balochistan region, documenting and denouncing enforced disappearances and acting for the recovery of missing persons. Newspapers reported that an organisation

14/ See HRCP Report, *State of Human Rights in 2010*, April 2011.

15/ *Idem*.

calling itself the Baloch Musallah Difa Army claimed responsibility. Mr. Sabir Jamaldini had been reportedly receiving death threats for months before his murder and feared for his safety. As of April 2011, the perpetrators had not been identified.

### **Killing of a trade union activist**

Trade union activists still faced significant risks in connection with their activities. For instance, on July 5, 2010, Mr. **Mustansar Randhawa**, a leader of the Labour Qaumi Movement (LQM) and of textile and power loom workers across several districts in Punjab, was shot dead in front of his office in Faisalabad by unknown persons. On that day, LQM had called for a strike against low wages, poor working conditions and the intimidation of power loom workers. Mr. Randhawa, had been receiving death threats reportedly from power loom and textile mill owners prior to his death, apparently because of his role in organising workers in the area. As of April 2011, the perpetrators of his assassination remained at large<sup>16</sup>.

### **Reprisals against defenders of minorities and women's rights**

Human rights defenders working on the rights of religious minorities and women also faced increased risks. For instance, on August 19, 2010, HRCF member Mr. **Veerji Kolhi** was abducted in Hyderabad, Sindh province. He had previously called for justice for a gang-rape victim. He was also active in advocating for the rights of minority communities, particularly in Sindh, and in the emergency relief efforts following the floods. He was subsequently released on August 23, 2010, after being threatened with dire consequences should he not be able to convince the victim and her parents to agree to a compromise in the rape case<sup>17</sup>.

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16/ See HRCF Press Release, July 9, 2010 as well as Report, *State of Human Rights in 2010*, April 2011.

362 17/ See HRCF Report, *State of Human Rights in 2010*, April 2011.