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**FIDH - International Federation for Human Rights (FIDH)
and
Human Rights Commission of Pakistan (HRCP)**

Joint submission for the review of the Second periodic report

PAKISTAN

United Nations Human Rights Committee (CCPR) - 142nd session

16 September 2024

In the present report, FIDH and HRCP detail human rights violations that are inconsistent with Pakistan's legal obligations under various provisions of the International Covenant on Civil and Political Rights (ICCPR) with regard to: fair trial rights (Article 14); freedom of expression (Article 19); freedom of assembly (Article 21); the treatment of foreign nationals (Articles 7, 9, 12, 13 and 24); and enforced disappearances and extrajudicial killings (Articles 2, 6, 7, 9, 14 and 16).

Violations of the right to a fair trial

Despite the addition of Article 10A (fair trial rights) to the fundamental rights chapter of the Constitution through the 18th Amendment in 2010,¹ fair trial rights continue to be regularly violated, particularly in military courts.

Trials in military courts are held secretly. There are no requirements for the officers holding the trial as judges to have legal training. Decisions made by military courts lack details of evidence and legal reasoning. The Army Act 1952 bars civilian courts from exercising appellate jurisdiction over court martial decisions; instead, the appeals too are heard by senior officers of the armed forces.²

Civilians tried in military courts

Recent actions by the Pakistani government have significantly undermined the right to a fair trial as provided under Article 14 of the ICCPR. Following incidents of rioting, violence and arson on 9 May 2023, government ministers explicitly stated their intent to try civilian rioters in military courts.³ The individuals responsible for these offenses were originally charged under the relevant

¹ Available at: <https://www.pakistani.org/pakistan/constitution/amendments/18amendment.html>

² The superior courts have, however, used the narrow writ jurisdiction power to assess whether the proceedings were tainted with mala fides or whether the forum of court-martial was justified without going into the facts or points of law raised in these cases.

provisions of the Pakistan Penal Code and the Anti-Terrorism Act 1997 but the government subsequently decided that those responsible for the attacks on military personnel and properties referred to as military installations would be prosecuted under the Official Secrets Act 1923, and the Pakistan Army Act 1952.⁴

Trying civilians before military courts is unconstitutional. The government's response to the List of Issues is patently false in its claims that "the Constitution and the Army Act 1952 allow military courts to try civilians in certain situations." The Constitution makes no such claims. On the contrary, the Constitution provides for the judiciary's independence from the executive branch,⁵ making it clear that judicial functions shall only be exercised by the judiciary. This constitutional intent supersedes and overrides all pre-constitutional amendments to the Army Act, which allowed for civilians to be tried by the military courts.

Moreover, the 21st and 23rd Amendments to the Constitution, promulgated in 2015 and 2017, respectively, which allowed civilians accused of terrorism to be tried in military courts and included a sunset clause of two years, demonstrate that there is no blanket allowance for trials of civilians in military courts.

Civilians continued to be subjected to court-martials on charges of espionage, leaking sensitive information, and attacking sensitive military installations, among other charges. According to a lawyer who has represented several defendants tried in military courts, between August 2018 and April 2022 alone, 25 individuals faced court martials. Three of these individuals were sentenced to death, while others received 10 to 14 years of imprisonment for violating the Official Secrets Act 1923. The defendants were neither provided with a counsel of their choice nor allowed to present witnesses in their defence, which constitutes a clear violation of due process and fair trial rights.⁶

The military trials of the civilians accused in relation to the violence committed on 9 May 2023 were challenged in the Supreme Court of Pakistan. In October 2023, a five-member bench of the Supreme Court unanimously declared the military trial of civilians unconstitutional⁷ and ruled that 103 persons who were identified in the list provided to the Supreme Court would be tried by criminal courts of competent jurisdiction established under the ordinary and/or special laws.⁸ After the federal government appealed the decision, in December 2023 a six-judge bench of the Supreme Court, by a majority of 5-1, suspended its order, subject to the condition that no final judgment shall be passed by military authorities against the 103 accused persons by the military courts.⁹

³ Al Jazeera, *Pakistan minister defends trial of Khan supporters in army courts*, 25 May 2023, <https://www.aljazeera.com/news/2023/5/25/pakistan-minister-defends-trial-of-khan-supporters-in-army-courts>

⁴ Express Tribune, *Trying civilians in military courts 'against intl law'*, 19 May 2023, <https://tribune.com.pk/story/2417538/trying-civilians-in-military-courts-against-intl-law>

⁵ Article 175(3) has been progressively interpreted by the Supreme Court of Pakistan as well as High Courts to hold that judicial power cannot be exercised by the executive

⁶ Express Tribune, *25 civilians court-martialled during PTI tenure*, 12 June 2023, <https://tribune.com.pk/story/2421287/25-civilians-court-martialled-during-pti-tenure>

⁷ Dawn, *SC strikes down 'military justice' for civilians*, 24 October 2023, <https://www.dawn.com/news/1783244>

⁸ Ibid.

The decision of the Supreme Court raised concerns about the rights to due process and fair trial of the civilians concerned. According to various news sources, the trials of the 103 suspects have been completed, and government sources claimed that around 90% of these individuals were found involved in the 9 May attacks on military installations. A few have been released after they were acquitted.¹⁰ However, the verdicts in the majority of these cases have not been announced due to the Supreme Court's order. Although many of those who were taken into military custody have likely already spent the maximum time in prison provided as punishment under either civilian or military law for the crimes of rioting and arson in and around military installations, they may not be released until the Supreme Court hears the final appeal and issues a final order.

Recommendations

- Repeal Article 2(1)(d) of the Pakistan Army Act 1952, which violates the constitutional prohibition on trying civilians in military courts.¹¹
- Ensure implementation of universally recognized principles relating to the rights to due process and fair trial for the 103 suspects held by military courts in relation to the 9 May 2023 incidents as well as other civilians taken in custody by the armed forces for the purpose of court-martials.
- Pending the conclusion of proceedings at the Supreme Court, release on bail all civilian detained under the purview of military courts.
- Immediately release all civilians under military custody and bring cases against them, if any, before civilian courts.
- Comply with the guarantees provided under Article 14 of the ICCPR regarding the right to a fair trial and the independence of the judiciary.

Violations of the right to freedom of expression

Although freedom of expression is enshrined in Article 19 of Pakistan's Constitution, it is limited by restrictions that pertain to "the interest of Islam," national integrity, morality, and relations with friendly foreign states. These are not permissible restrictions recognized in international human rights law. The authorities have continued to impose unprecedented restrictions on freedom of expression, including on the media, through legislation and policy, as well as through coercion, censorship and arrests.

Legislation curbing freedom of expression

Between January 2023 and August 2024, the government introduced a slew of new laws in Parliament that effectively restricted the people's right to freedom of expression.

⁹ Dawn, *SC suspends order striking down trials in military courts*, 14 December 2023, <https://www.dawn.com/news/1797697/sc-suspends-order-striking-down-trials-in-military-courts>

¹⁰ Express Tribune, *Up to 20 May 9 accused to be freed from army custody*, 28 March 2024, <https://tribune.com.pk/story/2460812/up-to-20-may-9-accused-to-be-freed-from-army-custody>

¹¹ Dawn, *Civilian supremacy 'main casualty' of current crisis, says HRC*, 1 June 2023, <https://www.dawn.com/news/1757167>

These laws, which were introduced hastily and without any meaningful consultation with civil society, include: the Pakistan Army (Amendment) Act 2023, which criminalizes defamation of the armed forces, including online; the Contempt of Majlis-e-Shoora (Parliament) Bill 2023, which criminalizes criticism of elected representatives (but has not yet passed into law); and the Punjab Defamation Act 2024, passed in June 2024, which establishes a parallel structure of tribunals to adjudicate claims of defamation and authorizes these tribunals to issue preliminary awards/compensation of up to PKR three million (EUR 9,750) immediately on receiving a defamation claim.¹²

Restrictions on social media platforms and internet connectivity

On 17 February 2024, the social media platform X (formerly Twitter) was officially banned in Pakistan and remains inaccessible in the country to date without a virtual private network (VPN). The Pakistan government initially denied that such a ban was even in place but subsequently announced that the decision had been made in “the interest of upholding national security, maintaining public order, and preserving the integrity of our nation.”¹³ Government departments and officials continued to use X (through a VPN) despite the ban. The ban followed allegations of electoral manipulation by a District Commissioner in Rawalpindi, raising suspicions that it was implemented in order to limit the spread of information.¹⁴

In June 2024, the government proposed installing a national firewall to filter and block “propaganda and unwanted content” online as well as to strengthen its cybersecurity.¹⁵ This was followed by announcements that a “web management system” was to be implemented, the specifications of which remain shrouded in secrecy, but which was held responsible by digital rights activists for constant internet outages and slowdowns.

Although the government claimed that these measures were not aimed at curtailing dissent on social media,¹⁶ digital rights activists alleged that the consequent disruptions to internet connectivity had adversely affected millions of young people who depended increasingly on access to the internet as a means of exercising their civil, political, economic, and social rights.

Violence against journalists

Violence against journalists and media persons remains a cause for concern in Pakistan, with at least nine journalists killed since January 2023: two in 2023 and seven from January to August 2024.¹⁷ Among these, Jan Mohammed Mahar, a Sukkur-based journalist, was fatally shot by armed men in August 2023. Four

¹² International Federation of Journalists, *Pakistan: Punjab government rush through defamation act*, 28 May 2024, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/pakistan-punjab-government-rush-through-defamation-act>

¹³ Dawn, *The ministry of (dis)information and the ban on X*, 25 April 2024, <https://www.dawn.com/news/1828972>

¹⁴ Ibid.

¹⁵ Arab News, *Pakistan’s new national firewall to target ‘propaganda and unwanted content,’ confirms official*, 30 June 2024, <https://www.arabnews.pk/node/2540666/pakistan>

¹⁶ Ibid.

journalists were killed in May 2024 alone. Muhammad Siddique Mengal and Ashfaq Ahmad Sial were killed in separate attacks in Balochistan and Punjab Provinces on 3 May and 15 May, respectively. Nasrullah Gadani, a reporter for a local Sindhi newspaper, was attacked on 21 May by armed assailants in Ghotki District, Sindh Province, and succumbed to his injuries several days later. Kamran Dawar, a digital journalist based in North Waziristan District, Khyber Pakhtunkhwa Province, was killed on 21 May by unidentified assailants in front of his home.

Recommendations

- Ensure the safety of journalists and media professionals by implementing the Protection of Journalists and Media Professionals Act 2021 to ensure that journalists' deaths are investigated promptly and transparently and that the perpetrators are prosecuted.
- Amend laws that are inconsistent with international human rights law and standards on freedom of expression, in particular the Anti-Terrorism Act 1997 and Section 124-A of the Pakistan Penal Code.
- Repeal the Punjab Defamation Act 2024.
- Amend Article 19 of the Constitution of Pakistan to ensure its compliance with Article 19 of the ICCPR.
- Immediately restore access to the social media platform X and ensure that any mechanisms to ensure cybersecurity do not adversely affect users' right to privacy.

Restrictions on the right to freedom of peaceful assembly

The right to freedom of peaceful assembly, which is enshrined in Article 16 of Pakistan's Constitution, has been restricted significantly by the authorities, who have continued to harass and detain critics of the state and political opponents who participated in peaceful assemblies and forcibly dispersed demonstrations.

New legislation further restricts freedom of assembly

The Peaceful Assembly and Public Order Act 2024 contains numerous provisions that are inconsistent with Pakistan's obligations under Article 21 of the ICCPR. The Act was swiftly passed into law in September 2024, ahead of a rally planned in the capital city of Islamabad by the political opposition, the Pakistan Tehreek-e-Insaaf (PTI). The Act gives District Magistrates the power to ban public gatherings in Islamabad on various grounds, including public order. The Act also permits the use of force and detention of protesters who fail to comply with District Magistrates' directives.¹⁷

On 8 September 2024, the Act was used to disperse a rally held by the political opposition in Islamabad on the grounds that the rally had continued beyond the

¹⁷ Data available at: <https://www.unesco.org/en/safety-journalists/observatory/country-overview?country=4c5d96fb-0f56-550e-b83b-fed28453c0ea&hub=72609>

¹⁸ Dawn, *President signs public order bill into law in 'haste'*, 8 September 2024, <https://www.dawn.com/news/1857645>

time allowed in the “no-objection certificate” issued to its organizers by the local administration.¹⁹

Crackdown on political opposition’s assemblies

The authorities continued to use laws pertaining to sedition (Section 124-A of the Code of Criminal Procedure), public order (Section 144 of the Code of Criminal Procedure) and terrorism (the Anti-Terrorism Act 1997) against members of the political opposition to restrict their right to freedom of peaceful assembly. This practice escalated in 2023 and 2024, particularly after PTI-led riots led to the destruction of public property across several cities in May 2023. The riots followed the arrest of PTI chief and former Prime Minister Imran Khan.

In the months preceding the February 2024 general election, the authorities intensified the crackdown on PTI leaders, political workers, and PTI supporters by forcibly preventing them from holding political assemblies and rallies, and arresting party leaders and workers on charges of terrorism, sedition, and disturbing law and order prior to or during such assemblies.

State violence against Baloch protestors

Violations of the right to freedom of peaceful assembly were especially prevalent in Balochistan Province. In December 2023, hundreds of Baloch protesters—comprising primarily the families of victims of enforced disappearances—led by Baloch women, including rights activist Mahrang Baloch, travelled from Turbat in Balochistan to Islamabad to protest the alleged extrajudicial killing of a young Baloch man the previous month. The protesters’ camp at the National Press Club in Islamabad was periodically dismantled by the local authorities and participants were arbitrarily detained. On several occasions, the police used batons and water cannons in near-freezing temperatures to disperse the protesters and attempted to force them onto buses to remove them from the city.²⁰ At no point were the protesters allowed to present their demands to the government.

In July 2024, the Baloch Yakjehti Committee (BYC), a civil society network based in Balochistan Province, organized the Baloch Raji Machi (Baloch National Gathering) in Gwadar, Balochistan. The BYC’s demands included greater protection of civil, political, and economic rights and an end to enforced disappearances and extrajudicial killings. On 27 July, the paramilitary Frontier Corps fired on protesters, injuring at least 14 people. The authorities erected blockades across the province to restrict protestors’ movement and banned all public assemblies in the provincial capital of Quetta under Section 144 of the Code of Criminal Procedure. On 28 July, at least three protesters were killed, allegedly by security forces, in Gwadar and Talar, and dozens were injured. The police used tear gas to disperse protesters, while several BYC organizers—

¹⁹ No-objection certificates are legal certificates issued by government officials or institutions (in this case, the local administration), effectively giving permission to hold a public assembly and/or imposing restrictions on a public assembly, such as on venue and time.

²⁰ BBC, *Pakistan: Hundreds arrested, tear gas fired as female-led protests reach capital*, 21 December 2023, <https://www.bbc.com/news/world-asia-67783499>

including Sammi Deen Baloch, Sabghatullah Shah and Sabiha Baloch—and dozens of protesters were detained.²¹

Recommendations

- Redefine the term “unlawful assembly” in Section 141 of the Penal Code on more specific and narrow grounds.
- Repeal colonial-era draconian legal provisions governing the maintenance of public order, criminal defamation, and sedition, which have often been misused to limit freedom of peaceful assembly.
- Ensure that restrictions on the right to freedom of peaceful assembly, including public order, are necessary and proportionate in accordance with Article 21 of the ICCPR.
- Repeal Section 144 of the Penal Code and the Peaceful Assembly and Public Order Act 2024 to limit the excessive powers vested in provincial governments and district magistrates respectively, regarding bans on assemblies.

Violations of the rights of foreign nationals, including migrants, refugees and asylum seekers

Pakistan hosted an estimated three million refugees in 2023, of which about half were believed to be without legal documents. Pakistan has not ratified the 1951 Refugee Convention and its 1967 Protocol and does not have any legislation for asylum and refugee protection.

In the absence of a legal system, Pakistani authorities relied in particular on the Ministry of State and Frontiers Region and its Office of the Chief Commissioner for Afghan Refugees to handle matters related to Afghan refugees. These have been short-term and discretionary approaches, giving political and security considerations a priority at the expense of refugees, making them vulnerable to arrests, detentions, refolement and a general sense of fear and insecurity.

Pakistani authorities routinely arrested and detained Afghan nationals without valid travel documents. Towards the end of 2022, authorities made multiple raids and arrested about 1,200 Afghan nationals in Karachi, including women and children.²² According to an inquiry conducted by the National Commission on Human Rights, 139 Afghan women and 165 Afghan children were being kept in a high security prison in December 2022.²³

On 3 October 2023, the then-caretaker government issued an executive order with a plan to repatriate all “undocumented foreigners” by 1 November 2023 - called the Illegal Foreigners Repatriation Plan (IFRP).²⁴ Major deportation camps were set up in Balochistan and Khyber Pakhtunkhwa Provinces on the border

²¹ Amnesty International, *Pakistan: Repeated punitive crackdowns on Baloch protests must end*, 30 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/pakistan-repeated-punitive-crackdowns-on-baloch-protests-must-end/>

²² The Diplomat, *Women, kids among 1,200 Afghan migrants jailed in Pakistan*, 30 December 2022, <https://thediplomat.com/2022/12/women-kids-among-1200-afghan-migrants-jailed-in-pakistan/>

²³ National Commission for Human Rights, *The plight of Afghan refugees – Incarcerated in Central Prison, Karachi, December 2022*, <https://nchr.gov.pk/wp-content/uploads/2022/12/The-Plight-of-Afghan-Refugees.pdf>

with Afghanistan and undocumented Afghan nationals from Punjab and Sindh Provinces were also taken to these centers.

The entire government machinery became active in tracing these undocumented migrants. There were announcements and posters to look for them, and reports emerged of racial profiling as a consequence of which a number of Pashtuns of Pakistani origin were held in the deportation centers. A majority of those who were detained to be deported were poor working-class people who were not given enough time to prepare for their return to Afghanistan. This operation led to widespread harassment, extortion, and other human rights abuses including arbitrary arrests by the police.²⁵ The government did not allow an open discussion on the subject and a panel discussion on the repatriation of refugees in a private space in Islamabad was forcibly stopped by law enforcement agencies.²⁶

This policy violated Pakistan's existing constitutional and legal framework as well as established international principle of non-refoulment. The so-called "unregistered illegal" Afghan nationals included those who had left the country after the Taliban takeover in Afghanistan in August 2021, because they feared victimization owing to their professions, gender, ethnicity, or other considerations. Among them were many asylum seekers who had remained unregistered because the Pakistani authorities ordered UNHCR in January 2022 to cease registering and providing documentation to Afghan asylum seekers.²⁷

Recommendations

- Ratify the 1951 Refugee Convention and its 1967 Protocol.
- Enact a domestic legal framework to protect refugees and asylum seekers in the country.
- Recognize that the fundamental rights for all persons under the Constitution are applicable to all refugees, migrants, asylum seekers, and stateless persons without discrimination.
- Adhere to the internationally recognized principle of non-refoulment.
- Collect and make publicly available accurate data on the number of refugees and asylum seekers in the country.
- Ensure that any repatriation of refugees is voluntary, safe, and dignified, and is based on informed consent for return and reintegration.

Enforced disappearances and extrajudicial killings

Enforced disappearances continued to occur in Pakistan, underlined by a lack of political will to effectively address the issue. In January 2024, the then-Interior Minister and Head of the Ministerial Committee on Missing Persons falsely claimed that cases of enforced disappearances in Pakistan were the lowest in

²⁴ Dawn, *Govt sets deadline of Nov 1 for illegal immigrants to leave Pakistan*, 3 October 2023, <https://www.dawn.com/news/1779106>

²⁵ Research conducted by HRCP in October 2023: <https://hrcp-web.org/hrcpweb/government-must-withdraw-decision-to-deport-refugees-by-1-november/>

²⁶ Dawn, *Discussion in Islamabad on Afghan refugees' issue abandoned after police 'raid'*, 25 October 2023, <https://www.dawn.com/news/1783468>

²⁷ <https://reporting.unhcr.org/files/2023-06/Asia%20-%20Pakistan.pdf>

South Asia.²⁸ In April 2024, the Law Minister stated that the issue of missing persons could not be solved “overnight,” cautioning against hasty solutions driven by “court directives.”²⁹ On another occasion, the then-caretaker Information Minister labelled missing persons as “terrorists” killed in cross-border fire.³⁰ The evidence suggests that in addition to longer enforced disappearances, short-term disappearances have been increasingly used to stifle dissent.

Criminalization of enforced disappearances

Pakistan has undertaken no steps towards ratification of the International Convention on the Protection of All Persons from Enforced Disappearance (ICPPED) and enforced disappearance is still not criminalized as an autonomous crime under its legal system.³¹ In 2021, the National Assembly (lower house of Parliament) passed a bill³² that contained an alarming provision that punished with prison terms of up to five years the filing or giving of false information about an instance of enforced disappearance. The bill has not been passed into law and was reportedly returned to the National Assembly after being passed by the Senate (upper house of Parliament).³³

Commission of Inquiry on Enforced Disappearances

Established in March 2011, the Commission of Inquiry on Enforced Disappearances (COIED) remained far from being an independent investigative body, particularly in instances in which law enforcement agencies are allegedly involved in cases of enforced disappearances. The Ministry of Interior has continued to provide oversight to the COIED.³⁴

In January 2024, the Supreme Court asked the government to make available details of the staff and budgetary sources of the COIED, information which had not been available since the COIED’s formation over a decade ago. At the time of this submission, the final or interim report of the COIED had not yet been made

²⁸ Geo TV, *Pakistan has lowest cases of enforced disappearances in South Asia?*, 9 January 2024, <https://www.geo.tv/latest/526338-fact-check-pakistan-has-the-lowest-count-sarfraz-bugti-makes-up-claim-about-enforced-disappearances>

²⁹ Express Tribune, *Reconstituted missing persons committee to have parliamentary presence*, 23 April 2024, <https://tribune.com.pk/story/2463650/reconstituted-missing-persons-committee-to-have-parliamentary-presence>

³⁰ The News International, *Some’ missing persons linked to terror incidents, claims Balochistan govt*, 12 April 2024, <https://www.thenews.com.pk/latest/1177673-some-missing-persons-linked-to-terror-incidents-balochistan-govt>

³¹ National Commission for Human Rights, *The unending saga of enforced disappearances*, 2023; <https://www.nchr.gov.pk/wp-content/uploads/2023/09/The-Unending-Saga-of-Enforced-Disappearances.pdf>

³² Criminal Law (Amendment) Bill 2021: <https://www.nchr.gov.pk/wp-content/uploads/2023/09/The-Unending-Saga-of-Enforced-Disappearances.pdf>

³³ Express Tribune, *Bill on missing persons never went missing: Senate*, 8 January 2024, <https://tribune.com.pk/story/2452597/bill-on-missing-persons-never-went-missing-senate>

³⁴ International Commission of Jurists, *Entrenching impunity, denying redress: The Commission of Inquiry on Enforced Disappearances in Pakistan*, 2020; <https://www.icj.org/wp-content/uploads/2020/09/Pakistan-Commission-of-Inquiry-Advocacy-Analysis-Brief-2020-ENG.pdf>.

public by the government, citing “public interest.”³⁵ There have also been serious allegations of misconduct by rights activists and families of victims of enforced disappearances against the incumbent COIED chairperson and in July 2022, the National Assembly’s Public Accounts Committee recommended his removal from his role.³⁶

Issue of enforced disappearances in courts

In January 2024, the COIED submitted a report to the Supreme Court, stating that only 52 out of 744 orders to produce alleged victims of enforced disappearances had been implemented, while 692 were yet to be executed.³⁷ Although the Commission’s proceedings are deemed to be judicial and the Commission has the power to punish for contempt (under Sections 11 and 8 of the Pakistan Commissions of Inquiry Act 2017), the Commission’s officials claimed that contempt proceedings can only be initiated against individuals and not institutions.³⁸

In January 2024, Chief Justice of Pakistan (CJP) Qazi Faez Isa expressed his determination to address the issue of enforced disappearances.³⁹ In July, the Islamabad High Court (IHC) criticized the government for mishandling the issue of enforced disappearances,⁴⁰ imposed fines on senior government officials for failing to recover victims,⁴¹ and even summoned the caretaker Prime Minister regarding the case of missing Baloch students.⁴² The IHC also said the Prime Minister and Cabinet were ultimately responsible for enforced disappearances.⁴³ Similarly, the Peshawar High Court issued summons for the Chief Minister over the issue of enforced disappearances.⁴⁴

Nevertheless, neither the Courts nor the COIED have been able to prosecute those individuals directly responsible for perpetrating enforced disappearances, although government and police officials have been fined for failing to trace victims.

³⁵ See Section 15 of the Pakistan Commissions of Inquiry Act 2017

³⁶ Dawn, *PAC recommends removal of Javed Iqbal as head of missing persons commission*, 7 July 2022, <https://www.dawn.com/news/1698685>

³⁷ Geo News, *On top court's order, commission submits 'revealing' report on missing persons*, 9 January 2024, <https://www.geo.tv/latest/526362-on-top-courts-order-commission-submits-revealing-report-on-missing-persons>

³⁸ Express Tribune, *IHC lambasts govt for mishandling missing persons cases*, 3 July 2024, <https://tribune.com.pk/story/2476261/ihc-lambasts-govt-for-mishandling-missing-persons-cases>

³⁹ Dawn, *Enforced disappearances: 'Let's solve this problem once and for all,' CJP Isa remarks*, 2 January 2024, <https://www.dawn.com/news/1802584>

⁴⁰ Express Tribune, *IHC lambasts govt for mishandling missing persons cases*, 3 July 2024, <https://tribune.com.pk/story/2476261/ihc-lambasts-govt-for-mishandling-missing-persons-cases>

⁴¹ Dawn, *Enforced disappearances: 'Let's solve this problem once and for all,' CJP Isa remarks*, 2 January 2024, <https://www.dawn.com/news/1843673>

⁴² Dawn, *Allegations levelled against state should stop, says Kakar during IHC hearing on Baloch missing persons*, 28 February 2024, <https://www.dawn.com/news/1817769>

⁴³ Geo News, *Enforced disappearances' ultimate responsibility on PM, cabinet's shoulders: IHC*, 3 August 2024, <https://www.geo.tv/latest/557296-enforced-disappearances-ultimate-responsibility-on-pm-cabinets-shoulders-ihc>

⁴⁴ Dawn, *Peshawar High Court summons Gandapur over 'rising' enforced disappearances*, 7 July 2024, <https://www.dawn.com/news/1844351>

Journalists, political activists, and human rights defenders subjected to enforced disappearances

On 11 May 2023, television anchor Imran Riaz Khan was arrested by the police at Sialkot airport in Punjab province.⁴⁵ Although the authorities alleged that he was released the following day, he remained missing for over four months, eventually resurfacing in September 2023. In April 2023, the marketing head of a local television channel, Akash Ram, was abducted from Karachi and remained missing at the time of submission of this report.⁴⁶ In May 2023, journalist Sami Ibrahim was abducted for six days. In May 2024, a poet and journalist from Azad Jammu and Kashmir, Ahmad Farhad, was abducted; the IHC requested a report from the Defense Secretary amid reports of the alleged involvement of security agencies in his disappearance.⁴⁷ In July 2024, journalist Rana Mahmood was abducted by unknown armed men and remains missing.⁴⁸

In August 2024, digital content creator Aun Ali Khosa was subjected to an enforced disappearance in connection with his production of satirical videos criticizing the government for inflated utility bills. He was released after four days after an intervention by the Lahore High Court.⁴⁹

Political figures have also become targets of enforced disappearances. Many victims belonged to the opposition PTI. In June 2024, former Prime Minister Imran Khan's political advisor, Ghulam Shabbir, was abducted from Lahore.⁵⁰ In September 2023, former Interior Minister Sheikh Rasheed, then a political ally of the PTI, was subjected to enforced disappearance for over a month.⁵¹

Ethnic groups remained a target of enforced disappearances. According to official data, as of the end of August 2024, there were 1,315 unresolved cases from Khyber Pakhtunkhwa Province (which is Pashtun-majority) before the COIED, 446 from Balochistan Province, and 180 from Sindh Province. Baloch citizens remained a constant target of enforced disappearances: in one case raised by HRCP, Zaheer Baloch, a postal worker from Quetta, was abducted by unidentified persons on 27 June 2024 and was still missing as of September 2024.

⁴⁵ Amnesty International, *Pakistan: YouTuber & TV anchor, Imran Riaz Khan, forcibly disappeared*, 4 July 2023, <https://www.amnesty.ca/urgent-actions/pakistan-youtuber-tv-anchor-imran-riaz-khan-forcibly-disappeared/>

⁴⁶ Dawn, *Journalist Sami Abraham 'picked up', family claims*, 25 May 2023, <https://www.dawn.com/news/1755611>

⁴⁷ Dawn, *IHC summons report from defence secretary on alleged agencies' role in Kashmiri poet abduction case*, 16 May 2024, <https://www.dawn.com/news/1833847>

⁴⁸ Friday Times, *Missing for two months: police fail to recover sambrial press club chief, court told*, 29 August 2024, <https://thefridaytimes.com/29-Aug-2024/missing-for-two-months-police-fail-to-recover-sambrial-press-club-chief-court-told>

⁴⁹ Dawn, *YouTuber Aun Ali reaches home safely, lawyers say*, 19 August 2024, <https://www.dawn.com/news/1853287>

⁵⁰ Aaj News, *Imran Khan's political adviser abducted from Lahore: report*, 20 June 2024, <https://english.aaj.tv/news/330366159/imran-khans-political-adviser-abducted-from-lahore-report>

⁵¹ Express Tribune, *Former security czar remains missing*, 24 September 2023, <https://tribune.com.pk/story/2437484/former-security-czar-remains-missing>

Extrajudicial killings

Extrajudicial killings have continued, with little or no accountability for perpetrators. In a case that triggered widespread public outrage in the Balochistan Province, a young Baloch man, Balaach Mola Bakhsh, was abducted by men in civilian clothes, whom his family alleged were security agency personnel from his home in Turbat, Balochistan Province, in October 2023. Although the family filed a missing persons complaint with the police, they received no information on his whereabouts for nearly a month despite public protests in Turbat. Bakhsh was eventually produced in court in Turbat on 21 November but was killed—along with three other people—while in the custody of the provincial Counter-Terrorism Department (CTD) on 23 November.

Recommendations

- Ratify the International Convention on the Protection of All Persons from Enforced Disappearance (ICPPED) without reservations.
- Enact comprehensive legislation criminalizing all forms of enforced disappearances in line with the ICPPED, ensuring no penalties are imposed for false reporting and all individuals or state agents are held accountable, regardless of rank, as per Article 6 of the ICPPED.
- Provide protection to complainants, witnesses, and families in relation to cases of enforced disappearances, within the criminal justice system or under special legislation.
- Prohibit incommunicado detention and ensure detainees are afforded all fundamental rights, including the right to a fair trial under Article 10-A of the Constitution.
- Ensure victims of enforced disappearances receive reparations, compensation, and full rehabilitation, as outlined in Article 9 of the ICCPR.
- Ensure all allegations of enforced disappearances are independently investigated and prosecuted, without statutes of limitation, and that court orders with respect to tracing victims and producing them in court are fully implemented.
- Ensure that all existing secret detention centers are closed and their inmates produced in court and held thereafter (in cases where charges are filed) in ordinary prisons.