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Pakistan: Allegations of serious human rights violations in Balochistan must be investigated

Amnesty International is concerned about reports of human rights violations in Balochistan province which have escalated in the last two months. Recent violations have occurred in the context of a security operation in the province triggered by an attempt on President Pervez Musharraf's life in December 2005. However the current intensification of tensions also flows from long-standing grievances felt by the local population in relation to severe economic underdevelopment and failures to receive the benefits of large-scale exploitation of the province's natural resources.

A non-governmental Human Rights Commission of Pakistan (HRCP) report released in late January 2006 found scores of cases of arbitrary arrests and detention, torture, extrajudicial executions, "disappearances" and use of excessive force by security and intelligence forces committed since early 2005. Amongst the victims are women, children and many political activists. In addition, the Commission noted with concern that armed Baloch fighters opposing the army's presence in the province have laid landmines as a result of which civilians have been indiscriminately killed and maimed.

Though Amnesty International has not been in a position to visit Balochistan to investigate these allegations of human rights violations, the organisation considers the findings of the HRCP's report to be credible, and strongly supports the Commission's demand that human rights abuses be stopped forthwith and that all allegations of violations of human rights, including civil, political and economic rights, be independently and impartially investigated with a view to bringing the perpetrators to justice.

Amnesty International also appeals to all armed fighters and armed groups to abide by international humanitarian law, in particular the rules that are binding on all parties to a non-international armed conflict. These rules prohibit, *inter alia*, torture, hostage-taking, deliberate killing of civilians and other non-combatants and indiscriminate attacks.

The findings of the HRCP fact-finding mission corroborate a large number of reports received by Amnesty International from Baloch activists and civil society organisations since early 2005. According to a January 2006 statement by Senator Sanaulah Baloch, at least 180 people have died in bombings, 122 children have been killed by paramilitary troops and hundreds of people have been arrested since the beginning of the campaign in early 2005. On 8 December 2005, the federal Interior Minister stated that some 4,000 people had been arrested in Balochistan since the beginning of 2005. The identities, whereabouts of and charges against many of these detainees remain unknown. Having monitored some of these cases of detention and "disappearance", Amnesty International fears that some of the detainees may have been arbitrarily detained, or held under preventive detention legislation or on politically motivated criminal charges, in violation of Pakistan statutory law and international human rights standards.

Since the HRCP concluded its fact-finding visit, further reports of human rights violations have been received. Twelve men, arrested after an attack on a Frontier Corps unit on 11 January 2006, were reportedly extrajudicially executed killed in the Dera Bugti camp of the Frontier Corps when news arrived that three of the injured soldiers had died. Two elderly villagers sent to collect the bodies were also killed. On 16 January 2006, three children were reportedly killed in Kahan by aerial bombardment. On 7 February, a bomb, possibly planted by armed fighters, blew up a bus killing 13 people travelling in it.

Amnesty International is also concerned that the fact-finding team of the HRCP and journalists accompanying them were attacked on 8 January 2006 when their cars were fired at for several minutes near Kashmore. Although the HRCP team submitted an application to police in Rojhan to file a complaint, police did not comply nor investigate the alleged attempted murder.

Journalists have also been arbitrarily detained, harassed and threatened by intelligence agencies if they continued to investigate incidents in Balochistan. Amnesty International believes that it is important that journalists and human rights defenders can pursue their legitimate roles unimpeded and without fear, so that human rights violations can be monitored and brought to public attention. Remedies may then be found to ensure the protection and promotion of human rights in the province.

The following human rights violations have been documented by the HRCP:

Torture

Those who were released after arbitrary detention, often in undeclared places of detention, or "disappearance" reported being subjected to torture and ill-treatment.

* Chairman of the Balochistan Student Organisation (BSO) Dr Imdad Baloch and six other BSO activists were arrested on 25 March 2005 in Karachi after a rally protesting the security operation in Balochistan [AI Index: ASA 33/006/2005, AI Index: ASA 33/014/2005 and AI Index: ASA 33/022/2005].

Their whereabouts remained unknown for two months until Dr Imdad Baloch and three others were released on bail two months later, facing politically motivated criminal charges. Dr Imdad Baloch then reported that he and his fellow detainees had been detained incommunicado in solitary confinement for 33 days in Karachi, where they were tortured. He reported being hit on the soles of his feet making him unable to walk and beaten all over his body, including on his kidneys, with leather straps while forced to lie prone in fetters on the ground. The four detainees were then taken to Quetta, where they were kept for 22 days and threatened with death if they continued to participate in politics. In August 2005, the other three detained BSO members re-appeared in a police station in a village in Punjab province, held on charges of robbery. While the other two were released in November 2005, Dr Allah Nazar, still currently being held in Quetta Central Jail, is reportedly partially paralysed and unable to speak or recognise anyone as a result of torture.

The constitution of Pakistan provides partial protection against torture in Article 14 which states that "*no person shall be subject to torture for the purpose of extracting evidence*". International standards and customary international law absolutely forbid torture and other ill-treatment for any purpose.

Possible extrajudicial executions and other unlawful killings

* On 17 March 2005, some 62 persons, including 33 Hindu women and children were killed at Dera Bugti when Frontier Corps personnel shelled, bombarded and fired at them.

*On 17 December 2005, at least 22 persons, mostly women and children, including infants, were killed in bombing, firing and shelling by armed forces in the Marri area of Jabbar and Pecal, apparently in retribution for rocket attacks on 14 December on a paramilitary camp on the outskirts of Kohlu during a visit by President Musharraf and on 15 December on a helicopter carrying the Inspector General of the

Frontier Corps.

The use of force must be in line with the principles of necessity and proportionality included in international standards on the use of force by law enforcement officials. These stipulate that lethal force may only be used in response to the imminent threat of death or serious injury when strictly unavoidable and that the use of force must "minimise damage and injury and respect and preserve human life" both of the suspects and uninvolved persons.

Extrajudicial executions are strictly prohibited under the Constitution of Pakistan which in Article 9 provides, "*No person shall be deprived of life and liberty, save in accordance with law*". The Universal Declaration of Human Rights provides in Article 3, "*Everyone has the right to life, liberty and security of the person*". The Principles of the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions provide that "*Exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions*".

"Disappearances"

Since May 2005, Amnesty International has issued a series of urgent actions relating to some of the large number of reported "disappearances" in Balochistan. The organisation fears that people who are "disappeared" are particularly at risk of torture as perpetrators feel safe in the knowledge that their actions will not be made known and that they will not face criminal charges

*On 9 December 2005, 18 members of the Pakistan Petroleum Workers' Union from Balochistan who had gone to Karachi for negotiations with their management were detained by security forces from their hotel. Their whereabouts remain unknown.

*Dr Hanned Shareef, a writer, medical doctor and member of the BSO was arrested on 18 November 2005 in Turbat by men in the uniform of the paramilitary Frontier Corps. State officials have refused to confirm that he has been arrested. When his family members attempted to file a complaint against the Frontier Corps soldiers involved, police at the Turbat city police station refused to accept it [AI Index: ASA 33/032/2005].

International standards and human rights guarantees in the Constitution of Pakistan absolutely prohibit "disappearances". The Constitution of Pakistan provides in Article 10 that every detainee has the right to be informed of the charges against them, to consult and be defended by a lawyer of their choice and be brought before a magistrate within 24 hours of arrest. The Universal Declaration of Human Rights provides in Article 7: "*All are equal before the law and are entitled without any discrimination to equal protection of the law ...*". These provisions guarantee that everyone including those persons who may be suspected of offences against the state have a right to be treated in accordance with law and not to be discriminated against on that account.

Background

In Balochistan, the perception of the local population that they have not benefited from the exploitation of the extensive natural resources of the province, and their resentment at the slow pace of provincial economic development and the influx of people from other provinces, have led to social and political tensions. Four waves of violent unrest took place in 1948, 1958-59, 1962-63 and 1973-77. In early 2005, tensions in Balochistan again increased, with numerous clashes reported between security forces and Baloch tribesmen. The rape in early January 2005 of Dr Shazia Khalid, a young doctor employed at Pakistan Petroleum Limited at Sui, allegedly by an army officer, who was publicly exonerated by President Musharraf prior to any inquiry, exacerbated anger among the tribal population. Following a rocket attack on President Musharraf on 14 December 2005 during his visit to Kohlu, when he announced a large development package for the region including the construction of roads, schools and health centres, a security operation, assisted by paramilitary units, was launched in the province. While the government

portrays it as a law and order operation against "miscreants", that is Baloch rebels, local people see it as a crackdown on Baloch opponents of a development program which will only benefit non-Baloch people migrating into the province. The government claims that the resistance is encouraged by tribal leaders who fear losing their hold on the region. The confrontation between Baloch nationalists and the state is complicated by rivalries and strategic alliances between tribes and sub-tribes and by human rights abuses committed by all sides.