



18 June 2012

Human rights situation in Pakistan: Oral statement to the UN Human Rights Council 20th Session (18 June – 6 July 2012)

Item 2: General Debate

Madam President,

Amnesty International welcomes the attention that the High Commissioner has drawn to positive developments and serious challenges in Pakistan.

We are deeply concerned that the Pakistan government has facilitated the expanded scope of the practice of enforced disappearance with the creation of security laws known as the Actions (in aid of civil powers) Regulations (AACPR). The AACPR were promulgated in June 2011 over the Federally Administered Tribal Areas (FATA) and parts of Khyber Pakhtunkhwa (KP) and give sweeping, retrospective powers to the security forces to arbitrarily and indefinitely detain anyone, and even sentence them to death with virtually no recourse to lawyers or judicial process.

We recognize challenges of insurgency faced by Pakistan and the strain it has placed on the criminal justice system. However, transferring detainees from settled areas in Pakistan to FATA, which is legally outside the constitutional protection, is a deplorable attempt by the intelligence agencies and security forces to avoid accountability for human rights violations such as enforced disappearances and to justify their actions. We further note that, despite encouraging investigations by the courts, enforced disappearances and extra-judicial executions also continue with impunity in Balochistan.

The enforced disappearance case of Mazhar ul Haq highlights the near total impunity enjoyed by Pakistan security and intelligence authorities who engage in the practice of enforced disappearance of individuals and groups suspected of involvement in terrorism rather than bringing them to trial in proceedings consistent with international standards of due process.

Journalists and human rights defenders in Pakistan have been killed at an alarming rate over the past year, with Pakistan's Inter-Services Intelligence Agency (ISI) implicated in many instances, including in the 2011 prominent abduction and killing of journalist Saleem Shahzad. His killers remain at large despite a government inquiry that uncovered a sophisticated, well-organized cover-up.

The targeted killing of journalist Wali Khan Babar highlights the dangers faced by Pakistani journalists investigating sensitive cases involving powerful non-state groups, such as political parties and organized criminal groups.

Pakistan must act to address the concern expressed by the UN Human Rights Commissioner Navi Pillay, about killing and intimidation of journalists, human rights defenders and lawyers, including the unresolved killing of Saleem Shehzad and about the death plot against leading human rights defender and international expert Asma Jahangir.

If true, the alleged plan to kill Asma Jahangir by the country's security forces is despicable. Such threats to Ms. Jahngir and other human rights defenders are an attack not only on those individuals, but on Pakistan's entire human rights community. Pakistan's authorities have a duty to protect her and other human rights defenders. They must go further than giving assurances of provision of extra security. They must investigate and bring to justice all those who are responsible for the threats and attacks.

Amnesty International urges the government of Pakistan to seek the technical assistance necessary to fulfill its human rights responsibilities.

Like the High Commissioner, Amnesty International is concerned about killings in Pakistan carried out by the USA, by drones and other means¹. The USA continues to conceal details of the legal basis for and facts of particular killings. Yet revelations through speeches by US officials and reporting by the New York Times is enough to conclude that the policy under which these killings are conducted disregards human rights law. It relies instead on a theory of 'global war' that would extend the broader permissions for killing under the law of armed conflict to virtually anywhere in the world the USA considers expedient. That theory, and the carrying out of killings under it, represents a fundamental challenge to the whole international system for protection of human rights.

Amnesty International calls on the USA to disclose detailed legal and factual details about its policies and practices for so-called 'targeted killings', 'signature strikes', and other such lethal force; to disavow its claim that the USA is in a 'global war' in which international law authorizes it to use lethal force virtually anywhere in the world; to recognize the application of international human rights law to all US counterterrorism operations, including those outside US territory; to ensure that any use of lethal force outside of specific recognized zones of armed conflict is only as permitted by international human rights standards, including as set out in UN law enforcement standards; to ensure that any use of lethal force within specific recognized zones of armed conflict complies fully with the USA's obligations under international human rights and humanitarian law, including the rule that if there is doubt as to whether a person is a civilian, the person is to be considered a civilian; to ensure independent and impartial investigations in all cases of alleged extrajudicial executions or other unlawful killings, respect for the rights of family members of those killed, including effective redress and remedy.

Amnesty International urges other states, and intergovernmental organizations including the UN, to reject and oppose unlawful US policies and practices on the deliberate use of lethal force against terrorism suspects, and to urge the USA to take the measures outlined above.

Amnesty International also calls on all states to cooperate to ensure that those responsible for the 11 September 2001 attacks in the USA, and for planning or carrying out attacks of a similar nature, are brought to justice for their crimes in fair and public trials without recourse to the death penalty.

Thank you Madam President.

¹ See *United States of America: 'Targeted killing' policies violate the right to life* (AI Index: AMR51/047/2012, 15 June 2012), available at <http://www.amnesty.org/en/library/info/AMR51/047/2012/en>