



ENFORCED DISAPPEARANCES

DISAPPEARED JUSTICE IN PAKISTAN

Since late 2001, hundreds of people suspected of links to terrorist activity have been arbitrarily detained in Pakistan and held in secret facilities. Denied access to lawyers, families and courts and held outside all protection of the law, they are victims of enforced disappearance. Most, if not all, are subjected to torture and other ill-treatment.

“**THIS IS THE WORST THING TO HAPPEN TO ANYONE. IF SOMEONE DIES YOU CRY AND PEOPLE CONSOLE YOU AND AFTER SOME TIME YOU COME TO TERMS WITH IT BUT IF SOMEONE DISAPPEARS, YOU CANNOT BREATHE, IT IS THE BITTEREST OF AGONIES.**”

Amina Masood Janjua, wife of
“disappeared” Masood Ahmed Janjua.

Pakistan’s foreign allies, chief among them the USA, have encouraged, condoned or acquiesced in grave violations of human rights and failed to use their influence to end them. Following arrest, many detainees – both Pakistani and foreign nationals, including children – were secretly handed over to US and other foreign forces, often for a financial reward. They were then transferred to US detention facilities in Afghanistan, Guantánamo Bay in Cuba or to secret CIA detention centres. Others were transferred to countries where they faced torture. Such transfers violate both international human rights law and Pakistan’s domestic law.

WHOLESALE PRACTICE

The Pakistani government began using the practice of enforced disappearances widely after it joined the US-led “war on terror” in 2001. Domestic political opponents of the Pakistani government were also targeted, in particular members of Pakistan’s Sindhi and Baloch nationalist groups advocating greater autonomy.

The clandestine nature of the arrest and detention of suspects makes it impossible to know exactly how many have been subjected to enforced disappearance. Many relatives remain silent for fear of repercussions against their loved ones or themselves. Many cases neither reach the courts nor attract media attention. Inaccuracies and confusion on the part of the authorities regarding the names of released detainees further hampers the task of compiling accurate statistics of those still missing. There are at least 563 cases as of July 2008, according to the Defence of Human Rights, a Pakistani organization campaigning on behalf of the “disappeared”.

Relatives of individuals subjected to enforced disappearance have suffered hardship, isolation and despair, in some cases made worse by threats and false promises from government officials. Their anguish is exacerbated by their knowledge that torture and other ill-treatment of suspects are routine in Pakistan. Inflicting such suffering on family members of disappeared people is a human rights violation and means that relatives are also victims of enforced disappearance and ill-treatment.

2007 CRISIS – HOPES DASHED FOR THE DISAPPEARED

In October 2006, hopes were raised when the Supreme Court of Pakistan began hearing petitions filed by relatives of the disappeared. By November 2007, more than 100 people had been traced and released. Their testimonies revealed that the state had tried to conceal the whereabouts of detainees by frequently transferring them between secret locations. Many of those released testified to having seen others while being held and were able to identify the detaining authorities as well as the secret locations.

As more details emerged, the Pakistan authorities became increasingly resistant in their responses to Supreme Court directions. They avoided or delayed bringing people to court and continued to deny any knowledge of their fate and whereabouts even when detentions had been informally acknowledged. The authorities also increasingly threatened and intimidated former detainees to prevent them from reporting their experiences. In a number of cases, people who had been released after months of enforced disappearance were again subjected to the same ordeal as punishment for their public statements. In other cases, those subjected to enforced disappearance, often for long periods of time, were then charged with spurious criminal offences to give the appearance of legality to their continued detention.

Increasingly impatient at these delays, the Supreme Court announced in October 2007 that it was summoning heads of the intelligence agencies to answer its questions and that it would initiate legal action against those responsible for enforced disappearances.

However, before this could be carried out, the hopes of relatives were crushed in November 2007 following a declaration of emergency rule by President Pervez Musharraf. Under the state of emergency, the President deposed most of the judges in Pakistan's higher courts, many of whom had been taking a tough stand on cases of enforced disappearance. His crackdown was shrouded in rhetoric about the judiciary's interference in the government's fight against terrorism. However, this was as much intended to pre-empt an anticipated negative Supreme Court ruling on his eligibility to contest the Presidential election in October, while also holding the office of Chief of Army Staff. Since then, none of the enforced disappearance cases pending before the Supreme Court have been heard. The fate of Pakistan's disappeared has now become inextricably linked with the reinstatement of the deposed judges.

Masood Ahmed Janjua and **Faisal Faraz** were apprehended during a bus journey to Peshawar on 30 July 2005. Several other people who had been subjected to enforced disappearances testified to seeing them in detention but state officials denied their detention and any knowledge of their whereabouts. A crucial testimony by a former inmate in the same place of secret detention was brought before the Supreme Court but the hearing was repeatedly delayed. Before they could hear the case in November 2007, the judges of the Supreme Court were deposed, dismaying the relatives anxious for recovery of the two men. Their fate and whereabouts remain unknown.

NEW GOVERNMENT, NEW HOPE?

Following general elections in February 2008, a coalition government was sworn in on 31 March. Hopes of the relatives were raised yet again when key leaders of the coalition government, Asif Zardari and Nawaz Sharif, publicly declared that they would take measures to reinstate the unlawfully dismissed judges. Furthermore, some senior government officials stated that they would resolve the cases of those subjected to enforced disappearance. Minister for Law and Justice Farooq Naik said that the government was collecting details and pledged that all would be released. A committee was set up in May 2008 to facilitate this process but by July it had met only twice and made little progress. The government also announced that it would accede to the International Convention for the Protection of All Persons from Enforced Disappearance. However, this commitment, along with the initial promises to reinstate the dismissed judges, has not yet been fulfilled.

Amina Masood Janjua, founder of the organization Defence of Human Rights, told Amnesty International in July 2008, "The restoration of the independent judges is a matter of life and death... For us relief is only when our loved one is safe and sound standing freed before us. [...] I believe that my husband Masood is held only three kilometres from my home, yet he continues to suffer unknown ill-treatment and we, his wife, his children and his very old parents cannot even see him. They [the new government] must act now to bring them."

Amnesty International believes that the new government must urgently address the issue of enforced disappearances and end seven years of state culpability, complicity and concealment.

Children have also been victims of enforced disappearance and sometimes are forced to testify against family members. Abdullah, aged 10, was arrested on 16 May 2006 along with his father, Mufti Munir Shakir, at Karachi Airport. He endured 58 days of enforced disappearance. On his release, Abdullah told the media that he had been interrogated and ill-treated to make him confess that his father had links with al-Qa'ida. He refused to do so and was held for 15 days in a separate cell; he initially refused offers to be released as he did not want to leave without his father. Although Abdullah was assured that his father would be freed within 15 days, Mufti Munir Shakir was held for more than a year before being released on 21 August 2007.

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COUNTER TERROR WITH JUSTICE

The Pakistani authorities have a right and a duty to prevent crimes, including acts of terrorism, and to bring to justice those responsible. Amnesty International has consistently denounced indiscriminate attacks and attacks targeting civilians carried out by armed groups such as al-Qai'da or the Taleban. All those responsible for these and similar crimes must be brought to justice. At the same time, measures taken to combat terrorism must be carried out in accordance with international human rights law and standards. Ultimately, the route to security is through promoting, not undermining, human rights. Resorting to practices which violate human rights – arbitrary detentions, enforced disappearance, and torture and other ill treatment – undermines the rule of law, the key to real and lasting security.

ACT NOW

Write to the following government authorities, urging them to:

- immediately reveal the fate and whereabouts of all those who have been subjected to enforced disappearance and end all secret and arbitrary detentions;
- act to reinstate those judges of Pakistan's higher judiciary who were unlawfully removed during the November 2007 state of emergency;
- provide redress to the victims of enforced disappearance;
- ensure that government officials, including members of intelligence agencies, responsible for enforced disappearances are identified and made accountable for their actions in fair trials.

SEND APPEALS TO:

Prime Minister Syed Yousuf Raza Gilani
Pakistan Secretariat
Constitution Avenue
Islamabad
Pakistan
Fax: +92 51 9213780
Salutation: Dear Prime Minister

Minister Farooq H. Naek
Minister of Law, Justice and Human Rights
Room 305, S-Block,
Pakistan Secretariat
Islamabad
Pakistan
Fax: +92 51 9202628
Salutation: Dear Minister

Rehman Malik
Advisor / Minister for Interior
Room 404, 4th Floor, R Block,
Pakistan Secretariat
Islamabad
Pakistan
Fax: +92 51 9202624
Salutation: Dear Mr Malik

COUNTER TERROR
WITH JUSTICE

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.