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## Balochistan briefing for Committee for Foreign Affairs, US House of Congress

### Amnesty International calls on the United States government to:

- Apply the Leahy Amendment without waivers to all Pakistani military units in Balochistan.

### Amnesty International calls on the Pakistan government to:

- Accede to the International Convention for the Protection of All Persons from Enforced Disappearance;
- Investigate all alleged human rights abuses in the province;
- Bring all perpetrators of abuses to justice, whether they belong to the state or not; in trials meeting international standards of due process and
- Ensure that all individuals brought to justice receive a fair trial and are not subjected to torture or other abuse in detention.
- Ensure any military operations comply with International Humanitarian Law applicable to non-international armed conflict.

### Amnesty International calls on all non-state armed groups in Balochistan to:

- Refrain from committing human rights abuses and respect the laws of Pakistan that are consistent with international human rights standards and criminalize a range of human rights abuses, including torture, abduction and unlawful killing; and
- Strictly abide by the provisions of international humanitarian law and ensure that civilians are not exposed to violence.

### Opening remarks

Amnesty International is deeply concerned with the chronic insecurity faced by people in the province of Balochistan. The state is primarily to blame for this situation due to its inability or unwillingness to protect civilians from human rights abuses or bring perpetrators to justice. Years of human rights violations by Pakistan security forces and the continued failure of the Pakistan government to adequately address economic and social demands in the country's poorest region has entrenched a sense of hopelessness and resentment in the Baloch community. All communities in Balochistan face poor access to health facilities, education, energy and infrastructure and opportunities for employment. But the Balochi and Brahui-speaking regions of the province have been and remain the most neglected and least developed by the state despite these areas being rich in mineral resources and fossil fuels. Balochistan is one of the most militarised regions of Pakistan, with the military, paramilitary Frontier Corp and levies, and police stationed across this vast province. Despite this presence, or perhaps because of it, Balochistan is one of the most dangerous parts of Pakistan, with armed groups affiliated with the state, sectarian armed groups, armed groups hostile to the state, and criminal gangs operating with near complete impunity. Most victims of human rights abuses – whether the perpetrator is affiliated with the state, armed Baloch or sectarian groups – are too terrified to speak openly for fear of themselves being killed. With the upsurge in violence and collapse of rule of law the province is gradually heading to a state of perpetual conflict that threatens stability not only in Pakistan but also in the neighbouring countries of Afghanistan and Iran, and throughout the region.

## **Fighting between Pakistan forces and armed Baloch groups**

The fighting between state security forces and Baloch armed groups is of relatively low intensity, but in some regions and instances, may reach a level of intensity that would make International Humanitarian Law, or the laws of war, applicable. The application of international humanitarian law in Balochistan does not in itself constitute recognition of any authority or legitimacy on the part of non-state armed groups. Government authorities may take lawful action against them and their members by any means provided for by domestic laws that are consistent with international obligations, including human rights obligations. Members of non-state armed groups can be prosecuted, tried and sentenced for participating in armed hostilities. Consequently, and unlike in international armed conflicts, under international law there is no privileged combatant, or prisoner of war status, for captured members of the security forces or of non-state armed groups which would otherwise generally exempt them from criminal responsibility for the fact of taking up arms. However, detainees must be treated humanely at all times, as outlined in Geneva Conventions Common Article 3, Protocol II, and customary international law, and should be given treatment equivalent to that accorded to prisoners of war. Civilians – that is, individuals taking no direct part in hostilities – and combatants alike must not be subjected to torture, cruel or inhuman treatment and outrages on personal dignity, particularly humiliating and degrading treatment, are prohibited, as is enforced disappearance, the taking of hostages and arbitrary detention. No-one may be convicted or sentenced except pursuant to a fair trial affording all essential judicial guarantees; and collective punishments are prohibited. Both state security forces and Baloch armed groups must at all times “distinguish between civilians and combatants”, especially in that “attacks may only be directed against combatants” and “must not be directed against civilians” or “civilian objects.”

## **Human rights violations attributed to security forces**

The Pakistan government must immediately put an end to the practice of enforced disappearance, arbitrary detention, torture, and extra-judicial and other unlawful killings carried out with total impunity by state forces in Balochistan. Credible investigations into these incidents – resulting in prosecutions – are absolutely necessary to establish even a basic level of stability in the province and develop trust between the Baloch people and the Pakistan government. According to our own research at least 249 Baloch activists, teachers, journalists and lawyers have disappeared or been murdered between 24 October 2010 and 10 September 2011 alone, many in so-called ‘kill and dump’ operations. The bullet-ridden bodies of missing persons, most allegedly bearing torture marks, have been recovered across the province almost every day. Victims’ families and the Baloch population at large blame these ‘kill and dump’ incidents on Pakistani security forces, especially the Frontier Corps and intelligence services. Many of the victims were reportedly abducted by uniformed Frontier Corps soldiers, often accompanying men in plain clothes, in front of multiple witnesses at military checkpoints and in cities and towns. Security forces deny the charges and claim that the deaths are a result of rivalry between Baloch militant groups, but the systematic and widespread nature of these killings, and the fact that several of the victims were witnessed being detained by state forces weeks or months after later being found dead, suggests otherwise. State security forces have also been accused of supporting pro-state Baloch armed groups accused of killing Baloch nationalists. At least 7 Baloch journalists who openly promoted nationalist causes were killed in the provinces in 2011.

## **Armed groups**

Armed Baloch groups have been implicated in the targeted killings of state security forces, non-Baloch civilians and government employees, including teachers at government education institutions and Urdu and Punjabi-speaking civilians whose only crime appears to

be their ethnic or linguistic background. On 14 August 2010, Pakistan's Independence Day, 17 people of Punjabi origin were killed in Quetta. The Balochistan Liberation Army claimed responsibility, saying that the killings were in response to the killings of Baloch missing persons. Hundreds of teachers and other professionals have fled the province as a result of these killings, bringing the education system to breaking point and damaging the local economy. Baloch armed groups have also claimed responsibility for killing fellow Baloch accused of spying for the state and have been implicated in the killing of members of rival political factions, including activists considered too moderate merely because they do not advocate complete separation from Pakistan. Nationalist groups have also claimed responsibility for repeated attacks on gas and electricity infrastructure, causing severe energy shortages in the province. Balochistan is a very cold place in winter, and with gas, oil and electricity in short supply and prices very high these attacks have been particularly debilitating for ordinary people living in the province.

Balochistan has also witnessed an influx of Taleban and other armed Islamist groups in the northern areas that are mainly populated by ethnic Pashtuns. Prominent Afghan Taleban leaders are widely believed to be based in Quetta. With the army clamping down on militancy in northwest Pakistan, Taleban insurgents are increasingly using areas of Balochistan to regroup and rearm, creating further instability.

### **Sectarian killings**

Sectarian attacks have occurred across Pakistan for some years now but have increased in Balochistan since at least 2010. These are not random killings but demonstrate the deliberate targeting of minority Shi'a Muslims by militant groups including Lashkar-e-Jhangvi and others. Balochistan's Hazara Shi'a community claims that Taleban and Sunni extremists have murdered hundreds of their members since 2004. Routine targeted killings against the Hazara and other groups because of their ethnicity, religion or political affiliations raises serious questions about the willingness or ability of Pakistan security forces to protect the people of Balochistan. Continued failure to address sectarian violence will only exacerbate the general breakdown in law and order in Balochistan.

### **Pakistan government response**

Despite several pledges to improve the law and order situation and put an end to human rights abuses in Balochistan, Pakistan's government has failed to provide a clear framework for how it will achieve this and the situation continues to deteriorate. In an attempt to address the Baloch community's deep-rooted sense of disenfranchisement, the Pakistan government in November 2009 launched the Aghaz-e-Huqooq-e-Balochistan, a peace and reconciliation package aimed at diffusing tensions in the province and bringing the Baloch into the mainstream of Pakistan society. The reform package contains some 61 measures aimed at increasing provincial autonomy by addressing constitutional, economic, political and administrative grievances. Although the government claims to have implemented around 80% of the envisaged measures, there has been no major improvement in the human rights situation. Baloch nationalist groups have dismissed the reform package as a half-hearted federal attempt to divert attention from their demands for full political autonomy.

The government has yet to publicly reveal the findings of its investigations into the hundreds of people believed to be held secretly by security forces and intelligence services as part of the so-called "war on terror", or in response to internal opposition in Balochistan. In March 2010, the Pakistan government established the Commission of Inquiry on Enforced Disappearances to trace the disappeared. Of the several hundred cases that have come before both commissions across Pakistan, only 224 people have been traced including some from Balochistan. As I have already outlined, these abuses continue unabated. Amnesty International has observed the Commission during its hearings and has noted several deficiencies, including the lack of a protection programme for witnesses to violations and

relatives of victims, shortages in staffing capacity to investigate the high volume of cases, and failure to adequately investigate the security forces and intelligence services, which are frequently accused of involvement in disappearances. No member of state security forces or intelligence services has been prosecuted for alleged involvement in the enforced disappearance, arbitrary detention, torture or killing of victims.

### **Recommendations:**

As one of Pakistan's most significant international allies, Amnesty International calls on the United States to apply the Leahy Amendment to ensure that military assistance to units of the Army, Airforce, Navy, Frontier Corp, Levies, and other security forces supported by Pakistan in Balochistan is not linked to human rights abuses. If the United States receives credible information to indicate that any of these units have committed gross violations of human rights, Amnesty International calls on it to ensure that the Pakistani government takes effective measures to provide accountability for these violations.

Amnesty International calls on the Pakistan government to:

- Fulfil its promise made in May 2008 to accede to the International Convention for the Protection of All Persons from Enforced Disappearance;
- Investigate all alleged human rights abuses, including all "disappearances" recorded by the judicial Commission of Inquiry for Missing Persons;
- Bring all perpetrators of abuses to justice, whether they belong to security forces or non-state armed groups; and
- Ensure that all individuals brought to justice receive a fair trial and are not subjected to torture or other ill-treatment in detention.

Amnesty International calls on all parties to any armed conflict in Balochistan to comply with common article 3 to the Geneva Conventions and Additional Protocol II governing non-international armed conflicts. Non-state armed groups must refrain from committing human rights abuses and respect those domestic laws of Pakistan which are consistent with international human rights standards and criminalize a range of acts that constitute human rights abuses, including torture, abduction and unlawful killing.

## Background reading:

Press Release, 4 October 2011

*Pakistan: Authorities must tackle brazen attacks on Hazara Shi'a*

<http://www.amnesty.org/en/for-media/press-releases/pakistan-authorities-must-tackle-brazen-attacks-hazara-shi%E2%80%99-2011-10-07>

Press Release, 29 September 2011

*Balochistan: Pakistan's response to crisis failing*

<http://www.amnesty.org/en/for-media/press-releases/balochistan-pakistan%E2%80%99s-response-crisis-failing-2011-09-29>

Press Release, 21 September 2011

*Pakistan: Failure to protect Shi'a Muslims leaves many at risk*

<http://www.amnesty.org/en/for-media/press-releases/pakistan-failure-protect-shi%E2%80%99-muslims-leaves-many-risk-2011-09-21>

Campaign Digest, 1 September 2011

*Pakistan: 'The bitterest of agonies': End enforced disappearances in Pakistan*

<http://www.amnesty.org/en/library/info/ASA33/010/2011/en>

Web Action, 29 August 2011

*End Enforced Disappearances in Pakistan*

<http://www.amnesty.org/en/appeals-for-action/end-enforced-disappearances-in-Pakistan>

Public Statement, 18 August 2011

*Pakistan: authorities must tackle threats to journalists*

<http://www.amnesty.org/en/library/info/ASA33/014/2011/en>

Urgent Action (ASA 33/008/2011), 3 August 2011

*Pakistan: Detained Baloch men risk death*

<http://www.amnesty.org/en/library/info/ASA33/007/2011/en>

Press Release, 23 February 2010

*Pakistan: Balochistan atrocities continue to rise*

<http://www.amnesty.org/en/for-media/press-releases/pakistan-balochistan-atrocities-continue-rise-2011-02-23>

*A breakdown of victims of reported disappearances and alleged extrajudicial and unlawful killings in Balochistan, 24 October 2010 to 20 February 2011*

<http://www.amnesty.org/en/library/asset/REG01/001/2011/en/9b6e31cb-ef5f-4d99-ad6a-17bd3af35661/reg010012011en.pdf>

Press Release, 26 October 2010

*Pakistan: Investigate murder and torture of Baloch activists*

<http://www.amnesty.org/en/news-and-updates/pakistan-urgent-investigate-murder-and-torture-baloch-activists-2010-10-26>

Public Statement, 5 February 2010

*Pakistan: Government must provide information on disappearance cases to the courts*

<http://www.amnesty.org/en/library/asset/ASA33/001/2010/en/88894d16-aa85-4a1c-a810-54d731186b8b/asa330012010en.pdf>

Public Statement, 25 February 2009

*Pakistan: Resolve hundreds of Baluch 'disappearances'*

<http://www.amnesty.org/en/library/asset/ASA33/001/2009/en/d47d6ba4-9043-4b4f-82b2-1afa68f79908/asa330012009en.html>