

# £PAKISTAN

## @Open letter to the political parties

Amnesty International is writing to each of the main political parties or alliances contesting parliamentary elections in Pakistan to urge you to make known your position on a fundamental aspect of government policy: the protection of human rights. The future protection of the human rights of all people in Pakistan is a matter of urgent concern, and we shall be calling on the new government to give high priority to human rights in order to ensure that there is no recurrence of the human rights violations reported from Pakistan in the past.

Amnesty International is a worldwide human rights organization which works on certain specific concerns. It campaigns for the immediate and unconditional release of prisoners of conscience (that is men and women detained for the expression of their conscientiously held beliefs or on grounds of their ethnic origin, sex, colour or language); for the prompt and fair trial of all political prisoners; and in all cases against the use of torture and other forms of cruel, inhuman or degrading treatment or punishment; and against the death penalty and extrajudicial executions.

Over the years, Amnesty International has repeatedly urged successive governments of Pakistan to introduce reforms to halt continuing human rights violations and to remedy those that have been committed. Almost all the recommendations we have made to previous governments remain to be fully implemented. Amnesty International is now calling on the political parties and alliances contesting the forthcoming elections to make known the specific action they intend to take on assuming office to protect and safeguard human rights. Amnesty International urges that all political parties and alliances publicly commit themselves to a human rights program that will include:

- The immediate and unconditional release of all prisoners of conscience;
- Fair trial for all political prisoners;
- Urgent measures to halt the practice of torture and inhuman treatment of detainees and prisoners;
- Investigation of all cases of extrajudicial killings and bringing those responsible to justice;
- Positive steps to end impunity of police and military for human rights violations;
- Move towards the restriction and eventual abolition of the death penalty;
- Ratification of international human rights standards.

**Release of all prisoners of conscience**

Political activists and members of religious minorities like the Christian or Ahmadiyya community continue to be detained in Pakistan for the peaceful exercise of their political activities or religious beliefs.

Amnesty International urges the political parties to oppose the detention of prisoners of conscience and to commit themselves, if elected, to ensuring that no one is detained on grounds of conscientiously held belief; that all prisoners of conscience are immediately and unconditionally released; and that legislation which makes detention of prisoners of conscience possible, is amended or abolished.

**Fair trial for all political prisoners**

Political prisoners in Pakistan are frequently denied human rights safeguards available under national and international law: They are held, sometimes for long periods, in unacknowledged detention, denied access to lawyers and family; they are not charged at all or charged under series of false charges; they are tried by special courts whose procedures do not conform to international standards for fair trial.

Amnesty International urges the political parties in Pakistan to oppose such detention and urges the future government to ensure that every political prisoner be charged with a recognizable criminal offence and tried promptly and fairly in accordance with internationally recognized standards for fair trial. It should also ensure that existing legal safeguards are strictly adhered to and further strengthened. As a matter of urgency, laws which make unfair trials of political prisoners possible, should be reviewed and made to conform to international standards for fair trial.

**Prevention of torture, including rape, and deaths in custody following torture**

Torture, including rape, in the custody of the police, the paramilitary and armed forces is endemic, widespread and systematic in Pakistan; frequently it leads to deaths in custody which the law enforcement agencies sometimes seek to cover up in staged "encounters". Torture is used by police to gain information, to obtain a confession, to punish, to humiliate, to intimidate and to terrorize. Among the victims are political prisoners, criminal suspects and ordinary citizens from whom police want to extract a bribe. Amnesty International has also learned of instances of political parties using torture against their own dissident members or political opponents. Rural landlords are also known to sometimes torture bonded labourers in their own private jails with the connivance of the authorities.

In 1992 over 40 people reportedly died after torture in police custody in Sindh alone; the Punjab government admitted 35 deaths in custody in the province. During the first six months of 1993, some 40 deaths in custody were reported from Sindh. In some cases, police claimed that detainees had died in hospitals, not in police custody, or that they had committed suicide. Amnesty International received reports that medical staff in some cases helped to hide the truth by issuing false death certificates or false post mortem reports and that magistrates ignored evidence of torture when detainees were brought before them. Mutilated bodies were found in fields and city ditches, their injuries indicating that they had not been killed in sudden murderous attacks but after deliberate and expert use of torture.

Amnesty International unconditionally opposes torture and other forms of cruel, inhuman or degrading treatment or punishment; they are prohibited under international standards and under Pakistan national law.

Amnesty International urges the parties in Pakistan and the future government of Pakistan to publicly adopt policies condemning torture as a method of interrogation and intimidation in police stations and military custody. The new government should initiate impartial and prompt investigations of all allegations of torture and deaths in custody and bring the perpetrators to justice. Existing legal safeguards should be meticulously adhered to and further strengthened to prevent further occurrences of torture, including rape, and deaths in custody. Police personnel should be trained in humane methods of investigation and in national and international human rights safeguards.

### **Abolition of inhuman treatment and punishments like flogging, shackling and stoning to death**

Fetters, including leg irons, continue to be used on prisoners and detainees in police custody and in prisons, in violation of international standards. Sentences of flogging continue to be imposed and carried out. In 1992 at least seven people were sentenced to judicial amputation of limbs and in early 1993 two people were sentenced to be stoned to death. Though these sentences were not carried out, Amnesty International is concerned that these inhuman punishments remain on the statute books of Pakistan. Amnesty International urges the parties to work towards abolishing these inhuman punishments from the penal code of Pakistan and to bring the national law into consonance with international human rights standards.

### **Prevention of extrajudicial executions**

In 1992 at least 20 extrajudicial executions took place in Pakistan, but many of the over 50 "encounter" killings by the police may also have been extrajudicial executions. Amnesty

International knows of cases in which police killed torture victims in fictitious "encounters" to hide the evidence of torture. Army personnel are known to have sided with rural landlords and killed innocent villagers on their behalf.

Amnesty International unconditionally opposes extrajudicial executions, that is the deliberate and unlawful killing by, or with the approval of, the authorities. Extrajudicial executions are strictly prohibited by international standards and Pakistan national law.

Amnesty International urges the political parties to oppose extrajudicial executions and calls on the future government to take urgent measures to prevent extrajudicial executions, to promptly and impartially investigate every alleged extrajudicial execution and to bring those responsible to justice.

### **Abolition of impunity**

Those in authority almost always torture and kill with de facto impunity. Victims and their families face great difficulties if they want to file complaints against police torture or killings. Trials of police or army personnel are rare, and convictions rarer still. Impunity is provided by laws which exempt the police and the law enforcement agencies for acts done "in good faith" from criminal prosecution.

Amnesty International believes that the phenomenon of impunity, that is the exemption from punishment, is one of the main factors contributing to the continuing pattern of human rights violations. By bringing criminal charges against perpetrators of human rights violations the government sends a clear message that such violations will not tolerated and those responsible will be held accountable. Amnesty International urges the political parties and the future government to work towards full accountability of anyone violating human rights.

### **Abolition of the death penalty**

In Pakistan the death sentence continues to be passed and carried out, especially for murder. In 1992 at least 19 people were hanged and about 130 people sentenced to death. The majority of those sentenced to death were tried by Special Courts for Speedy Trial or Special Courts for the Suppression of Terrorist Activities, the procedures of which do not meet international standards for fair trial. Amnesty International is particularly concerned that the scope of the death penalty has been extended over the last years: in 1991 the death penalty became the mandatory punishment for the criminal offence of blasphemy and in August 1993 the interim government said it was extending it to drug offences.

Amnesty International unconditionally opposes the death penalty and campaigns worldwide for its complete abolition. It believes that the death penalty is a cruel, inhuman and degrading punishment which violates the most fundamental human right, the right to life. Nowhere has it be shown that the death penalty reduces the incidence of crime or political violence.

Amnesty International calls on the political parties and the future government of Pakistan to work for the restricted use and the eventual abolition of the death penalty in Pakistan, thereby joining a worldwide trend. By the end of 1992, 47 countries worldwide had abolished the death penalty for all offences, and 16 for all but exceptional crimes. A further 20 countries, while retaining the death penalty in law, can be considered abolitionist de facto as they have not carried out any executions for at least 10 years.

As first steps towards abolition, we urge the political parties and the future government to work towards commuting the sentences of all prisoners currently under sentence of death, towards reducing the range of offences which can be punished with death and to prohibit in law the sentencing to death of those aged under 18 years at the time of committing the offence.

### **Ratification of international human rights standards**

In some areas human rights protection in Pakistan does not meet international standards. Amnesty International urges the political parties and the future government to work towards bringing national laws and practice fully into conformity with standards laid down in internationally agreed human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Ratification alone would not end human rights violations, but would demonstrate the government's resolve that human rights should be upheld and respected at all times and provide a firm basis in law for the protection of human rights in Pakistan. It would also ensure that each future national administration will be under an international obligation to guarantee specific and fundamental rights, no matter who is in power.