

AMNESTY INTERNATIONAL PUBLIC STATEMENT

For Immediate release
AI Index: ASA 33/011/2009 (Public)

November 20th 2009

Pakistan: Amnesty International welcomes Supreme Court move to hear disappearances cases

The resumption of hearings by the Supreme Court to trace victims of enforced disappearance is a much welcomed step, Amnesty International said today, but the Pakistan government must demonstrate political will to trace the disappeared.

On 16 November, the Supreme Court resumed the hearings of disappearances cases that were interrupted when former President Musharraf declared a state of emergency on 3 November 2007. Under emergency rule most of the judges of the higher judiciary were deposed, including the incumbent Chief Justice, Iftikhar Chaudhry. The last Supreme Court hearing on a disappearance case took place shortly before emergency rule on 1 November 2007.

The cases of Imran Munir and Mustafa Azam were heard by a three-judge bench on 16 November. Both individuals were formerly disappeared but have now been traced.

According to the Defence of Human Rights, a Pakistani organization that campaigns on behalf of the relatives of the disappeared, out of 416 enforced disappearances cases filed in the Supreme Court since 2005, 195 cases remain pending since 3 November 2007.

Amnesty International is encouraged by the resumption of the Supreme Court hearings of disappearance cases but calls on the Pakistan government to immediately reveal details of where hundreds of missing people, the victims of enforced disappearances, are being held, investigate all cases and hold to account those responsible – including the country's security and intelligence agencies.

Despite several pledges to resolve the country's crisis of 'disappearances', Pakistan's civilian government has not yet provided information about hundreds of cases of people believed to be held secretly by the government as part of the so-called war on terror, or in response to internal opposition, for instance in Baluchistan.

Former Law Minister, Farooq Naik pledged in April 2008 that the government was collecting details on all disappeared persons and promised that all would be released. In May 2008, Senator Babar Awan, the Secretary of the ruling Pakistan People's Party Reconciliatory Committee on Baluchistan, announced the creation of a committee headed by Nawabzada Haji Lashkri to trace disappeared persons of Baluchistan as part of its efforts to address Baluch grievances. Also in May 2008, the Interior Ministry set up another committee to investigate the fate of all persons subjected to enforced disappearances, comprising representatives of the Ministry, parliamentarians and of the families of the disappeared.

To date the government has neither revealed the findings of its investigations nor any actions it has taken to resolve all enforced disappearance cases. It has also failed to fulfil its promise made in May 2008 that it would accede to International Convention for the Protection of All Persons from Enforced Disappearance

Amnesty International urges the government to ensure that the committees set up to investigate disappearances cases work within a fixed time limit with a view to producing clear and practical recommendations.

Acts of enforced disappearance violate several provisions of Pakistan's Constitution, including freedom from arbitrary detention, the right to judicial overview of detentions and to human dignity and the prohibition of torture, as well as constituting criminal offences.

Amnesty International urges the Pakistani government to immediately resolve all acts of enforced disappearance; to ensure the immediate release of all persons held in secret detention unless they are transferred to official places of detention, charged with a recognizably criminal offence and remanded by an independent court; and to bring to justice officials found responsible. Victims, including families of those disappeared, should be granted reparations in accordance with international standards.

Background:

Amnesty International has on several occasions called the government to account on enforced disappearances. In 2008, the organization used official court records and affidavits of victims and witnesses of enforced disappearances to show how government officials, especially from the country's security and intelligences agencies, were resorting to a variety of tactics to conceal enforced disappearance. These include: denying detention takes place and denying all knowledge of the fate and whereabouts of disappeared persons; refusing to obey judicial orders; concealing the identity of the detaining authorities, for example by transferring the disappeared to other secret locations, threatening harm or re-disappearance and levelling spurious criminal charges to conceal enforced disappearances (See: Amnesty's report, *Denying the Undeniable: Enforced Disappearances in Pakistan*: <http://www.amnesty.org/en/library/info/ASA33/018/2008/en>).

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