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## Report exposes “the hands of cruelty” in Pakistan’s Tribal Areas

Millions are locked in perpetual lawlessness in Pakistan’s northwestern Tribal Areas, where human rights abuses committed by the Armed Forces and the Taliban are beyond the reach of justice, Amnesty International said.

Thousands of men and boys have been detained by the Armed Forces - many have alleged torture, are held in secret places of detention and never seen again. Investigations into such cases are extremely rare and ineffective even when they do take place.

In a new report, [“The Hands of Cruelty” - Abuses by Armed Forces and Taliban in Pakistan’s Tribal Areas](#), Amnesty International highlights how the region’s “legal wilderness” is fuelling a human rights crisis.

“After a decade of violence, strife and conflict, tribal communities are still being subjected to attack, abduction and intimidation, rather than being protected,” said Polly Truscott, Amnesty International’s Deputy Asia Pacific Director.

Human rights safeguards under Pakistan’s constitution and the courts are excluded from the Tribal Areas, where the Armed Forces are using new broad security laws and a harsh colonial-era penal system to commit violations with impunity.

“By enabling the Armed Forces to commit abuses unchecked, the Pakistani authorities have given them free rein to carry out torture and enforced disappearance” said Truscott.

The Taliban and other armed groups continue to pose a deadly threat to Pakistani society - thousands have been killed in indiscriminate attacks or those deliberately targeting civilians over the last decade.

“The Taliban have time and again shown complete disregard for civilian lives by these indiscriminate and deliberate attacks,” said Truscott.

The Taliban and other armed groups are also carrying out brutal, unlawful killings of captured Armed Forces personnel or suspected spies, sometimes following quasi-judicial proceedings that fail to meet even the most basic international fair trial standards.

“Tribal communities live in abject fear of deadly reprisals on the merest suspicion of supporting the Pakistan state, or even, like the brave young activist Malala Yousafzai, just trying to defend her right to an education,” Truscott added.

The report is based on interviews with scores of victims of human rights abuses, witnesses, relatives, lawyers, and representatives of the Pakistani authorities and armed groups in the region.

Although the Pakistan Armed Forces have wrested back control of most parts of the Tribal Areas from the

Taliban over the past three years, they have arbitrarily detained thousands of individuals for long periods with little or no access to due process safeguards.

Amnesty International has also documented many cases of deaths in custody.

“Almost every week the bodies of those arrested by the Armed Forces are being returned to their families or reportedly found dumped across the Tribal Areas,” Truscott said.

Niaz\*, who, along with his brother Ayub\*, was among those picked up and detained by security forces, described his treatment in detention in April 2012:

“For the first five days they beat us constantly with leather belts across our backs, the pain was too much to describe. [The soldiers] would threaten to kill me if I didn’t confess to being part of the Taliban.”

Ten days after being arrested, Niaz was released, but only hours later he learnt that his brother had died in custody. An Army officer told Niaz that Ayub died of “heart stroke” in detention, but as far as Amnesty International is aware, Pakistani authorities have not conducted any kind of investigation into the alleged torture of Niaz and Ayub or Ayub’s death in army custody.

Niaz’s case is emblematic of the arbitrary detention and alleged brutal treatment of detainees at the hands of the Armed Forces, and the complete failure of Pakistani authorities to properly investigate these cases.

“The fact that these violations are allowed to continue without anything resembling an effective investigation is illustrative of the absence of rights protections in the Tribal Areas,” said Truscott.

The report contains many cases of enforced disappearance where detainees were held by the Armed Forces without being brought before a court, or given access to lawyers or relatives who had no idea of their fate or whereabouts.

Fundamental human rights protections guaranteed in Pakistan’s Constitution are not enforceable in the Tribal Areas, which are still governed under the draconian colonial-era Frontier Crimes Regulation (FCR).

In 2011, the Armed Forces were granted further sweeping powers of arrest and detention under the Actions (in Aid of Civil Power) Regulations (AACPR).

Neither Pakistan’s high courts nor parliament have jurisdiction over the Tribal Areas. Although the courts have nevertheless heard cases challenging the lawfulness of some detentions, there have been no prosecutions of Armed Forces personnel for alleged torture, enforced disappearance or deaths in custody.

“The government must immediately reform the deeply flawed legal system in the Tribal Areas that perpetuates the cycle of violence,” said Truscott. “The AACPR has to be repealed and the jurisdiction of the courts and parliament extended to the Tribal Areas.”

Limited attempts by the Pakistan government to reform the FCR have fallen far short of international human rights law and standards, and have been further undermined by the AACPR.

*\* Names have been changed*