# ENFORCED DISAPPEARANCES AND EXTRAJUDICIAL KILLINGS IN SINDH



# WORLD SINDHI CONGRESS®

22 Newfields, Welwyn Garden City, Herts. AL8 6YT, UK
Tel. +44 (020) 85866609, Fax +44 (870) 1226007
711 7th Street NW, Springhill, LA 71075, USA
Tel. +1-818-917-6910, Fax: +1 (866) 366-9603
60 - 25 Shorehill Drive, Winnipeg, MB R3X 0A9 Canada
Tel. +1 204-480-8431, Fax: +1 204-480-8431

world\_sindhi\_congress@yahoo.com http://www.worldsindhicongress.org

## A. INTRODUCTION

# Sindh and human rights in Pakistan

1. Sindh is a province of southeastern Pakistan with a population of approximately 35 million people. The territory practiced territorial autonomy under British rule, and has historically been recognized as a separate political entity. Since it joined Pakistan during the Pakistani-Indian separation, Sindh has experienced a loss of provincial autonomy, and the distinct culture and language of the Sindh have been endangered. Activists who struggle for more autonomy have been hindered by Pakistani authorities.

#### Overview report

2. This submission focused on the problems of enforced disappearances, torture and extra-judicial killings in Sindh. Using a number of cases, this report will show that the impunity of Pakistan government officials in the region leads to a situation where international human rights law is routinely violated, leading to an unacceptable situation for the people of Sindh.

#### **B. ENFORCED DISAPPEARANCES**

- 3. The crime of enforced disappearance is defined as 'the arrest, detention or abduction of persons by, or with the authorizations, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprecation of freedom or to give them information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time. The crime is unique in that not only the damage to the disappeared is considered punishable, but also that to his loved ones who are left behind in uncertainty. Because of the total power of the government over the victims of enforced disappearances, because there is no accountability over prisoners who do not exist in the official records, it has been called 'the highest stage of political repression'.
- 4. Enforced disappearance is a crime under international law. Not long ago, the crime was specifically addressed in the 'International Convention for the Protection of All Persons from Enforced Disappearances', where it was determined that no one should be subjected to enforced disappearance, and that no exceptional circumstance such as a public emergency could be invoked to justify the crime. In the previous UPR, Pakistan announced that it was close to acceding to this convention, after being questioned

<sup>&</sup>lt;sup>1</sup> Statute of the International Criminal Court (7 July 1998) 2178 UNTS 90 (Rome Statute) art 7(2)(i); UN General Assembly (GA), International Convention for the Protection of All Persons from Enforced Disappearance (adopted 20 December 2006, entry into force 23 December 2010) art 2.

<sup>&</sup>lt;sup>2</sup> Brian Finucane, 'Enforced Disappearances As A Crime Under International Law: A Neglected Origin In The Laws Of War' 2010, 35 Yale Journal of International Law 171, 173.

<sup>&</sup>lt;sup>3</sup> Archdiocese of Sao Paulo, Joan Dassin ed, James Wright trans, *Torture in Brazil: A Shocking Report On The Pervasive Use Of Torture By Brazilian Military Governments, 1964-1979'* (University of Texas Press 1998).

<sup>&</sup>lt;sup>4</sup> UN General Assembly (GA), *International Convention for the Protection of All Persons from Enforced Disappearance* (20 December 2006) GA Res 61/177, art 1.

about its track record on this crime by several countries.<sup>5</sup> However, as of yet, this had not happened. Since it is a multi-faceted crime, the crime of enforced disappearance can also be addressed through various other regulations. The rights that are damaged in a case of enforced disappearance are the right to liberty and security of the person, the right to recognition as a person before the law, and often also the right not to be subjected to torture and other degrading treatment and the right to life.<sup>6</sup> Pakistan is bound to these rules through the recent ratification of the International Covenant on Civil and Political Rights<sup>7</sup> and the Torture Convention<sup>8</sup>. Enforced disappearance also exists as also a crime under international humanitarian law, and it is explicitly mentioned in the Rome Statute<sup>910</sup>.

- 5. Pakistan is also bound to rules against enforced disappearances under national law. Whereas it is not a specific crime in national law, its components are made illegal in laws on kidnappings, abductions, unlawful detention, and wrongful restraint and confinement. 11
- 6. Official numbers on the occurrence of enforced disappearances vary depending on the source. The latest report of the UN Working Group on Enforced Disappearances came to a total of 107 outstanding cases in the country. <sup>12</sup> Sources inside the federal government put the number of cases in Balochistan at 54, whereas the Sindh Home department claims only 16 people are missing. 13 The National Crisis Management Cell of the Interior Ministry later put the number of people who have gone missing in the last 3 years at 69, whereas a source in the Sindh High Courts claims that the real number is closer to 200. 14 It should be noted that these numbers are unreliable, since due to the nature of the crime, many instances go unreported because of fear for repercussions for the victims or those who report their disappearance. 15

<sup>&</sup>lt;sup>5</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review (Pakistan) (4 June 2008) A/HCR/8/42, para 30, 83, 104.; UN Human Rights Council, Summary Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15 (c) of the Annex to Human Rights Council Resolution 5/1 (3 April 2008) A.HRC/WG.6/PAK/3, paras 4, 12, 19.

<sup>&</sup>lt;sup>6</sup> Declaration on the Protection of all Persons from Enforced Disappearance (18 December 1992) UNGA Res 47/133 1(2); ; see also United Nations Commission on Human Rights, Civil And Political Rights, Including Questions Of: Disappearances And Summary Executions (8 January 2002) E/CN.4/2002/71.

<sup>&</sup>lt;sup>7</sup> International Convention on Civil and Political Rights (ICCPR) (16 December1966; entry into force 23 March 1976; Pakistan ratification 2010) GA Res 39/46, see art 2, 6, 7, 9, 14, 16, 24.

<sup>&</sup>lt;sup>8</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [Torture Convention] (10 December 1984; entry into force 26 June 1987; Pakistan ratification 2010) GA Res 39/46.

<sup>&</sup>lt;sup>9</sup> International Committee of the Red Cross, *Customary International Humanitarian Law,* available at: http://www.icrc.org/customaryihl/eng/docs/v1 cha chapter32 rule98 [last accessed 2 April 2012] chapter 32, rule 38. <sup>10</sup> Rome Statute (n 2) art 7(2)(i).

<sup>&</sup>lt;sup>11</sup> Pakistan: Code of Criminal Procedure as Amended By Act 2 Of 1997 available at:

<sup>&</sup>lt; http://www.oecd.org/dataoecd/53/15/39849781.pdf?contentId=39849782 > [accessed 7 April 2012] Chapters V-VIII, XIII, XIV, XIX; Pakistan Penal Code, 1860 [Pakistan] Act XLV of 1860 (6 October 1860), available at:

<sup>&</sup>lt; http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html#140 s 375, 366-368> Chapter XVI.

<sup>12</sup> UN Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances (6 February 2011) UN Doc

<sup>&</sup>lt;sup>13</sup> Aftab Channa, '54 or 16? How Many Are 'Missing'In Sindh?'(22 February 2012) available

at http://www.pakistantoday.com.pk/2012/02/22/city/karachi/54-or-16-how-many-are-%E2%80%98missing%E2%80%99-in-

sindh/[accessed 6 April 2012].

14 'Sindh Follows Balochistan In Missing Persons: 82 Missing From Balochistan 69 From Sindh In Recent Months' (27 February 2012) available at: http://iaoj.wordpress.com/2012/02/27/sindh-follows-balochistan-in-missing-persons-82-missing-from-balochistan-69-fromsindh-in-recent-months/ [accessed 7 April 2012].

Brian Finucane, 'Enforced Disappearances As A Crime Under International Law: A Neglected Origin In The Laws Of War' 2010, 35 Yale Journal of International Law 171, 173; Asian Human Rights Commission, 'Pakistan: The Bodies Of Two More Missing Persons From Sindh Have Been Found' (15 February 2012) available at: <a href="http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2012">http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2012</a>; [accessed 7 April 2012].

7. In many cases, attempts by family members to report a disappearance are hindered by the authorities. One example is the case of Muzaffar Bhutto, whose kidnapping was witnessed by his wife and brother, but whose case was rejected by Hyderabad Court.<sup>16</sup> This case attracted international media attention, including support by scholar Noam Chomsky and American congressman Dan Burton, but Bhutto's whereabouts are still unknown.<sup>17</sup>

8. In the case of the disappearance of young democratic nationalist Babar Jamali, the authorities also refused to act despite repeated attempts to get information by relatives. Jamali's parents were present when he was taken away by alleged police officers. They have since attempted to lodge a First Information Report (FIR) about his their missing son, but they were rejected at various police stations. A petition filed by the Sindh High Court led to a summons for the local police chief, but to no avail. The whereabouts of Babar Jamali are still unknown.<sup>18</sup>

9. Not only those who protest against the government are targeted for enforced disappearance. There are several cases of university authorities alleged to use the police and security agencies to cover up malpractices at their institution. Azal Ali Panhwar submitted a petition regarding complaints about Sindh University to the provincial High Court, and was subsequently taken from a crowded market place by a large party of police and plain clothed people. When his relatives contacted the authorities, the District Police Officer told them that he was taken in for an investigation and that he would soon be released. However, his whereabouts are still unknown. Three other students are said to be missing in a case related to the petition.<sup>19</sup>

10. While in custody after an enforced disappearance, victims are often subjected to torture. Akash Mallah, deputy head of an ethnic Sindh party, was kept in confinement for 17 months, during which he was frequently blindfolded, during transportation, interrogations and even during toilet breaks. During the interrogations, he was deprived of sleep, hung from a ceiling and beaten with a stick.<sup>20</sup> Nationalists Nawaz Khan Zaur and Asif Baladi also testified to severe torture of themselves and fellow inmates.<sup>21</sup> There are also reports of torture scars on the bodies of people who have been found dead after a period of enforced disappearance.<sup>22</sup>

<sup>&</sup>lt;sup>16</sup> BBC Urdu, MissingPersons Of Sindh (21 Februari 2012) available

at: http://www.youtube.com/watch?v=YdDjt3aEJX4&feature=youtu.be [accessed 17 April 2012].

<sup>&</sup>lt;sup>17</sup> Dan Burton, letter to Asif Ali Zardari (31 Mayb 2011) available at: <a href="http://mespeaks.wordpress.com/2011/06/30/burton-over-enforced-disappearance-of-sindhi-baloch-nationalists/">http://mespeaks.wordpress.com/2011/06/30/burton-over-enforced-disappearance-of-sindhi-baloch-nationalists/</a> [accessed 16 April2012]; Noam Chomsky, open letter (6 February 2012) available at: <a href="http://mespeaks.files.wordpress.com/2012/02/chomskyletter">http://mespeaks.files.wordpress.com/2012/02/chomskyletter</a> 020612 590-766.jpg [accessed 17 April 2012];

<sup>&</sup>lt;sup>18</sup> Qazi Asif, 'But Where Is Babar Jamali?' (17 February 2012) *Pakistan Today* available

at: http://www.pakistantoday.com.pk/2012/02/17/city/karachi/but-where-is-babar-jamali/ [accessed 18 April 2012].

<sup>&</sup>lt;sup>19</sup> Asian Human Rights Commission, 'PAKISTAN: Sindh University Authorities Use Law Enforcement Agencies For Disappearances Of Students' (11 October 2011) available at: <a href="http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-203-2011">http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-203-2011</a> [accessed 18 April 2012].

<sup>2012].

20</sup> KTN TV, Sindh & Balochistan Missing Persons & Torcher Cell Program part 2 (8 January 2012) available at: <a href="http://www.youtube.com/watch?v=kprw9ok8YVo">http://www.youtube.com/watch?v=kprw9ok8YVo</a> [accessed 17 April 2012].

<sup>&</sup>lt;sup>21</sup> KTN TV, Sindh & Balochistan Missing Persons & Torcher Cell Program part 3 (8 January 2012) available at: http://www.youtube.com/watch?v=rbk\_GLZnI0s&feature=relmfu [accessed 17 April 2012].

<sup>&</sup>lt;sup>22</sup> Aian Human Rights Commission, 'Pakistan: The Bodies Of Two More Missing Persons From Sindh Have Been Found' (15 Februari 2012) available at: <a href="http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2012">http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2012</a> [accessed 4 April 2012.

## C. EXTRAJUDICIAL KILLINGS

- 11. Related to enforced disappearances in its use for political repression is the crime of extra-judicial killing. In the previous UPR, several countries and NGOs called on Pakistan to take steps to investigate extrajudicial killings.<sup>23</sup> Extra-judicial killings have been described as '[...] killings committed outside the judicial process by, or with the consent of, public officials [...]<sup>24</sup> and include arbitrary executions, extra legal executions, and summary executions. <sup>25</sup> Pakistan is obliged to refrain from extra-judicial executions through its obligations under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.<sup>26</sup>
- 12. Extra-judicial killings often come after prolonged enforced disappearance, which increases the fears of those who are left behind. In February 2012, Khadim Lolahi and Qurban Jatoi were found dead after they had been missing for six months, their bodies marked with torture and bullet wounds.<sup>27</sup> Several other examples show that these findings have become a common occurrence in Pakistan.<sup>28</sup>
- In April 2011, three JSMM activists, Siray Qurban Khuhawar, Rooplo Cholyani, Noorullah Tunio and their driver were killed in a brutal attack in Shanghai district.<sup>29</sup> In a fact-finding mission, the Human Rights Commission of Pakistan (HRCP) found that the car of the activists was attacked by more than a dozen armed men, some in security agency's uniforms, after which the car was set on fire. The police failed to help Noorullah Tunio, who had initially survived the attack, and he later died in hospital. 30 Despite the urgent call of the HRCP, the case was only half-heartedly investigated, and the perpetrators have not been brought to justice.
- Another case is that of Sarfaraz Shah, an unarmed teenager who was shot and killed by Rangers personnel.31 The incident was videotaped, and the case immediately attracted media attention around the world.<sup>32</sup> Soon after the incident, the Sindh Chief minister convinced the local police to register a case against

<sup>&</sup>lt;sup>23</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review (Pakistan) (4 June 2008) A/HCR/8/42, para 30; UN Human Rights Council, Summary Prepared by the Office of the High Commissioner for Human Rights, In Accordance With Paragraph 15(C) Of The Annex To Human Rights Council Resolution 5/1:Pakistan (3 April 2008) A/HRC/WG.6/2/PAK/3 para 10.

<sup>&</sup>lt;sup>24</sup> Nigel Rodley, The Treatment Of Prisoners Under International Law [2<sup>nd</sup> ed, Oxford 1999] p 182.

<sup>&</sup>lt;sup>25</sup> See Special Rapporteur on extrajudicial, summary or arbitrary executions, *Report - Summary or Arbitrary Executions* (1983) UN Doc. E/EC.4/1983/16 para 66.

<sup>&</sup>lt;sup>6</sup> Universal Declaration of Human Rights (adopted 10 December 1948 ) UNGA Res 217 A(III) UDHR) arts 2, 3; International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) arts 2, 6, 14, 16, 26; see UNGA, Summary of Arbitrary Executions (18 December 1990) A/Res/45/162; Un Commission on Human Rights, Extrajudicial, Summary or Arbitrary Executions (5 March 1992) E/CN.4/RES/1999/72.

<sup>&</sup>lt;sup>27</sup> Asian Human Rights Commission, 'Pakistan: The Bodies Of Two More Missing Persons From Sindh Have Been Found' (15 Februari 2012) available at: <a href="http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2012">http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2012</a> [accessed 4 April 2012].

<sup>&</sup>lt;sup>28</sup> See World Sindhi Congress, 'Forced Disappearances And Killings Of Political Activists And Innocent Ordinary Sindhis' (28 August 2011) available at: http://www.worldsindhicongress.net/index2.php?option=com content&do pdf=1&id=342 [accessed 4 April 2012]; Asian Human Rights Commission, 'Pakistan: The Bodies Of Two More Missing Persons From Sindh Have Been Found' (15 Februari 2012) available at: http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2012 [accessed 4 April 2012]; William Nicholas Gomes, 'Pakistan: Ahmadi Leader Tortured To Death In Police Custody' (3 April 2012) available at: http://spyghana.com/world-news/asia/pakistan-ahmadileader-tortured-to-death-in-police-custody/ [accessed 5 April 2012].

<sup>&</sup>lt;sup>29</sup> Asghar Azad, 'Three JSMM Leaders Shot Dead In Shanghai District' (22 April 2011) available

at: http://www.dailytimes.com.pk/default.asp?page=2012\02\16\story 16-2-2012 pg7 26 [accessed 4 April 2012].

<sup>&</sup>lt;sup>30</sup> Agencies' Role In JSMM Activists' Murder Must Be Probed: HRCP' (5 May 2011) available

at: http://hrcpblog.wordpress.com/2011/05/05/agencies%E2%80%99-role-in-jsmm-activists%E2%80%99-murder-must-be-probedhrcp/ [accessed 5 April 2012].

31 'Rangers Kill Youth In Karachi' (9 June 2011) available at: http://www.thenews.com.pk/NewsDetail.aspx?ID=16764

<sup>[</sup>accessed 5 April 2012].

<sup>32</sup> See 'Unarmed Man Shot At Point Blank Range By Military Police Who Casually Watch As He Bleeds To Death In The Street' (10 June 2011) available at: <a href="http://www.dailymail.co.uk/news/article-2002194/Unarmed-Sarfaraz-Shah-shot-dead-point-blank-Pakistan-military-">http://www.dailymail.co.uk/news/article-2002194/Unarmed-Sarfaraz-Shah-shot-dead-point-blank-Pakistan-military-</a> police.html [accessed 9 April 2012].

the alleged perpetrators. In response, the president ordered a full inquiry into the case.34 The Supreme Court of Pakistan started a suo moto investigation, ordered the Director General Ejaz Chaudry of the Rangers to be transferred to a different department.<sup>33</sup> Six of the Rangers involved and one civilians were sentenced to life in prison in front of the Anti-Terrorism Court.<sup>34</sup> However, Ejaz Chaudry was restated in his position two months later, and got a promotion shortly afterwards.<sup>35</sup>

# D. **GENERAL OBSERVATIONS**

15. Apparent in the examples of enforced disappearances and extra-judicial killings discussed above is the culture of impunity surrounding intelligence service employees in Pakistan. Many of the crimes were committed in broad daylight, by uniformed security personnel, or by men arriving in police vehicles. In the case of the disappearance of Mir Alam Marri, the victim was taken in a police car, but the area police said it has no knowledge of the event. Arshad Ali Rindh and his family were harassed by some 25 men in plainclothes who arrived in police vehicles, and he was kept in the police station overnight, because he had refused to give a police official certain privileges. In the above-mentioned case of Babar Jamali, the victim was taken by officers in a white police van, while he was waiting in a long queue of vehicles for a gas station, in a location with plenty of witnesses. None of the cases reviewed in this submission have led to criminal persecution of the officials involved.

16. Government action on the human rights violations has been lacking. In 2009, the Sindh local government set up a task force to trace missing persons, and gave information on the whereabouts of three missing persons. However the number of missing persons has increased steadily since, and it is unclear what further actions the task force has taken. In a number of cases, the heads of the Sindh Rangers, police and security agencies were informed about the situation by the Supreme Court of the Sindh High court, but this has rarely lead to an acknowledgement of the location of the missing person. The Anti-Terrorism Act, introduced in 1997, has been criticized for undermining the constitutional protections against unlawful detention in the previous UPR and by various actors since.<sup>39</sup> On the judicial side, provincial high courts as well as the Supreme

<sup>&</sup>lt;sup>33</sup> 'Extra Judicial Killing: DG Rangers, IGP Sindh Removed' (14 June 2011) available at: http://paktribune.com/news/Extra-Judicial-Killing-DG-Rangers-IGP-Sindh-removed-240347.html [accessed 6 April 2012].

<sup>&</sup>lt;sup>34</sup> Zeeshan Mujahid, 'Sarfraz Shah Murder Case, In Swift Trial, Rangers Man Is Sentenced to Death' (12 August 2011) available at: <a href="http://tribune.com.pk/story/229867/court-to-present-verdict-in-sarfaraz-shah-murder-case-today/">http://tribune.com.pk/story/229867/court-to-present-verdict-in-sarfaraz-shah-murder-case-today/</a> [accessed 9 April 2012].

<sup>&</sup>lt;sup>35</sup> 'Federal Government Restores DG Rangers Sindh' (29 August 2011] available at: <a href="http://tribune.com.pk/story/241433/federal-government-restores-dg-rangers-sindh/">http://tribune.com.pk/story/241433/federal-government-restores-dg-rangers-sindh/</a> [accessed 9

April 2012]; 'Military Reshuffle: Four Major General Promoted' (5 October 2011) available

at: http://tribune.com.pk/story/267091/military-reshuffle-four-majors-general-promoted/ [accessed 9 April 2012]

<sup>&</sup>lt;sup>36</sup> 'Sindhi Nationalist Goes Missing' (8 March 2012) available at: http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/national/08-Mar-2012/sindhi-nationalist-goes-missing [accessed 9 April 2012].

<sup>&</sup>lt;sup>37</sup> Wasim Iqbal, 'Targeted Killings In Sindh, Balochistan: NA Body Summons All Agencies On 29<sup>th</sup>' (4 Februari 2012) available

at: <a href="http://www.brecorder.com/top-news/1-front-top-news/44708-targeted-killings-in-sindh-balochistan-na-body-summons-all-agencies-on-29th-html">http://www.brecorder.com/top-news/1-front-top-news/44708-targeted-killings-in-sindh-balochistan-na-body-summons-all-agencies-on-29th-html</a> [accessed 9 April 2012]

on-29th-.html [accessed 9 April 2012].

38 Qazi Asif, But Where Is Babar Jamali?' (17 February 2012) Pakistan Today available

 $at: \underline{http://www.pakistantoday.com.pk/2012/02/17/city/karachi/but-where-is-babar-jamali/} \ [accessed 18 \ April 2012].$ 

<sup>&</sup>lt;sup>39</sup> Amnesty International, *Pakistan: Legalizing the Impermissible; the New Anti-Terrorism Law* (October 1997) available at: < http://www.amnesty.org/en/library/asset/ASA33/034/1997/en/d5abe31b-e99a-11dd-b3a1-f9ff1fdfb4a5/asa330341997en.pdf> [last accessed 5 March 2012]; UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review (Pakistan)* (4 June 2008) A/HCR/8/42, para 71; UN Human Rights Council, *Summary Prepared by the Office of the High Commissioner for Human Rights, in* 

Court have failed to take effective measures. The provincial courts, for example, have been unwilling to uphold the right to habeas corpus, the right to be brought before a court and challenge the legality of one's detention.<sup>40</sup> The Supreme Court has repeatedly spoken out against enforced disappearances, but seems to be focusing more on retrieving the disappeared than bringing those responsible to justice, effectively contributing to a sense of impunity for security agencies. 41

The victims of enforced disappearances and extra-judicial killings in Sindh are mostly political activists. 17. Two groups can be distinguished: those who belong to Islamic organizations and are targeted under the pretext of the 'war on terror', and those who are secular nationalist leaders. 42 One organization which has been especially targeted is the Jeay Sindh Muttahida Mahaz (JSMM), which is fighting for the independence of Sindh.<sup>43</sup> However, as we have seen above, other institutions also use the police and other agencies to silence opposing voices.

# **RECOMMENDATIONS**

- Fulfill the accepted UPR first cycle recommendation to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and enact national legislation to support the implementation of the obligations
- Investigate all cases of enforced disappearance that are currently pending. Publicly establish the fate of each victim, and ensure that perpetrators are identified and undergo prosecution and punishment for their crimes.
- Make available a public, continuously updated record of all detentions and arrests, including all people currently in detention.
- Revise laws that give a broad mandate to the police forces to arrest and detain suspects without clearly defined charges, including the Anti-Terrorism Act of 1997.
- Encourage and enable national courts to uphold the right to habeas corpus.

Accordance with Paragraph 15 (c) of the Annex to Human Rights Council Resolution 5/1 (3 April 2008) A.HRC/WG.6/PAK/3, para 37; Human Rights Watch, 'We Can Torture, Kill, Or Keep You For Years'; Enforced Disappearance By Pakistan Security Forces In Balochistan (July 2011) available at: <a href="http://www.hrw.org/sites/default/files/reports/pakistan0711WebInside.pdf">available at: <a href="http://www.hrw.org/sites/at-pakistan0711WebInside.pdf">available at: <a href="http://www.hrw.org/s

<sup>&</sup>lt;sup>40</sup> Amnesty International, *Denying the Undeniable: Enforced Disappearances in Pakistan* (23 July 2008) available at: <a href="http://www.amnesty.org/en/library/asset/ASA33/018/2008/en/0de43038-57dd-11dd-be62-3f7ba2157024/asa330182008eng.pdf">http://www.amnesty.org/en/library/asset/ASA33/018/2008/en/0de43038-57dd-11dd-be62-3f7ba2157024/asa330182008eng.pdf</a> [accessed 32-33]. See also Human Rights Watch, We Can Torture, Kill, or Keep You For Years (28 July 2011) available at

<sup>&</sup>lt;a href="http://www.hrw.org/sites/default/files/reports/pakistan0711Weblnside.pdf">http://www.hrw.org/sites/default/files/reports/pakistan0711Weblnside.pdf</a>> [last accessed 7 March 2011] n 183.

Amnesty International, Denying the Undeniable: Enforced Disappearances in Pakistan (23 July 2008) available at: <a href="http://www.amnesty.org/en/library/asset/ASA33/018/2008/en/0de43038-57dd-11dd-be62-3f7ba2157024/asa330182008eng.pdf">http://www.amnesty.org/en/library/asset/ASA33/018/2008/en/0de43038-57dd-11dd-be62-3f7ba2157024/asa330182008eng.pdf</a> [accessed 32-33]. See also Human Rights Watch, We Can Torture, Kill, or Keep You For Years (28 July 2011) available at <a href="http://www.hrw.org/sites/default/files/reports/pakistan0711WebInside.pdf">http://www.hrw.org/sites/default/files/reports/pakistan0711WebInside.pdf</a> [last accessed 7 March 2011] n 183. BBC Urdu, MissingPersons Of Sindh (21 Februari 2012) available

at: http://www.youtube.com/watch?v=YdDjt3aEJX4&feature=youtu.be [accessed 17 April 2012].

<sup>&</sup>lt;sup>43</sup> See World Sindhi Congress, 'Forced Disappearances And Killings Of Political Activists And Innocent Ordinary Sindhis' (28 August 2011) available at: http://www.worldsindhicongress.net/index2.php?option=com\_content&do\_pdf=1&id=342 [accessed 4 April 2012]; Aian Human Rights Commission, 'Pakistan: The Bodies Of Two More Missing Persons From Sindh Have Been Found' (15 Februari 2012) available at: http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2012 [accessed 4 April 2012].