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Human rights situations that require the Council's attention

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Pakistan: Council urged to take action concerning numerous, widespread abuses

The Asian Legal Resource Centre (ALRC) wishes to communicate to the Human Rights Council a series of concerns with regard to the human rights situation in Pakistan, which continues to comprise amongst the most numerous and grave violations in the Asian region. In line with the thematic issues being discussed during the 13th session of the Human Rights Council, the ALRC will here concentrate on the issues of forced disappearance, torture and violations of the rights of minority groups in the country.

The ALRC has made written and oral submissions concerning the growing insecurity and ongoing plethora of abuses in Pakistan, but notes with disappointment the lack of any action by the Council to address such concerns. More generally, the ALRC regrets the Council's apparent inability to have a concrete impact on grave country situations, including many in Asia, and is concerned that the Council is failing in its mandate to protect human rights on the ground.

Torture: By compiling records from local human rights organisations, the ALRC and its sister-organisation, the Asian Human Rights Commission (AHRC), estimate that over 1,300 people are being subjected to torture each year in Pakistan. This figure may only represent a fraction of the true scale of the problem, as many cases go unreported. Many torture victims do not report the violation of their rights due to the lack of witness protection, combined with organised intimidation by State actors or those acting on their behalf, as well as understandable distrust in the country's justice delivery mechanisms and social taboos. Furthermore, although Article 14.2 of the Constitution of Pakistan states that "no person shall be subjected to torture for the purpose of extracting evidence," torture has not been specifically criminalized in the country's penal code. This contributes significantly to the impunity that is enjoyed by the perpetrators of torture.

Although Pakistan signed the Convention against Torture (CAT) on April 17, 2008, no discussions concerning the instrument's ratification or implementation in law have been conducted in the country, most notably by the Parliament. The ALRC urges Pakistan, which is a member of the Human Rights Council, to ensure the speedy ratification of this crucial instrument, the criminalization of torture and the implementation of this law in practice.

As with many other countries in Asia, torture is endemic in Pakistan and for the most part occurs during police investigations into crimes. The ALRC and AHRC have identified 52 torture centres operated by Pakistan's military and has communicated this information to the Council on several occasions. The Council has yet to take any action to ensure the investigation of this grave matter, however. Further information concerning these torture centres can be found here:

<http://www.ahrchk.net/statements/mainfile.php/2008statements/1574/>.

Pakistan is also a front in global counter-terrorism struggle and there are numerous allegations of cases of torture having been perpetrated in the country as part of such efforts. Since the army justifies the use of torture in terms of national security, the police and other law enforcers have started to consider torture procedurally justified for obtaining confessional statements. This allows false cases to be filed at will for the profit of the police. Disturbingly, many cases have also indicated that lower court judges rarely question such charges despite evidence of torture, either out of fear or for financial gain.

There are many examples of torture in Pakistan, including: the case of Mr. Abid Javed Francis, a 31-year-old electrician and member of the Christian minority, who was arrested on November 22, 2009 and tortured at three different police stations and in the central

prison Karachi, as a result of which he later died. He was reportedly arrested and for not paying bribes in the lead up to the Eid religious festival. The medico-legal department of the civil hospital in Karachi has confirmed that his death was caused by the injuries he received in custody, but no action has yet been taken by the Sindh provincial government. The case demonstrates the pressing need to combat corruption in order to make any headway on human rights protection in the country.

The Pakistan Air Force (PAF) is reportedly running torture cells in which they are torturing their own personnel. Mr. Tanveer Iqbal, a former Chief Technician of the logistics branch, 102, Air Engineering Depot, at the PAF Faisal Base in Karachi, was reportedly illegally detained for 16 months and tortured by the Special Investigation Branch (SIB) of the PAF on charges of terrorism and securing funds for a terrorist organisation. He was first targeted by the government when he refused to vote in the referendum of 2002, conducted by former President General Pervez Musharraf. He was then falsely implicated along with 200 officers on charges of attempting to murder Musharraf.

Forced disappearance: The ALRC has previously informed the Council on numerous occasions about the scale of the problem of forced disappearance in Pakistan, which the organisation estimates to be amongst the worst in the world.

Since the formation of the new government, in April 2008, more than 200 persons have reportedly been forcibly disappeared, mostly in the south western province of Balochistan where military operations have been conducted over the last seven years. According to a list compiled by the Chief Minister of Balochistan, around 1700 persons have been disappeared in the province since 2002. Most of the abductions and disappearances cases involve the country's intelligence agencies, particularly the ISI (Inter-Services Intelligence) and Military Intelligence.

The military intelligence services have reportedly disappeared at least 168 children and 148 women since 2006 in Balochistan province alone. The ALRC has documented cases revealing that women are being disappeared and used as sex slaves by the military.¹ Some religious groups claim that more than 50 persons, mostly young people and students, have been disappeared in Punjab and the North West Frontier Province (NWFP) since 2008. Disappearances by the intelligence agencies in Pakistani-held Kashmir are not made public because of self censorship by the media in the name of national security.

The attorney general of Pakistan holds a list, compiled by the National Crisis Management Cell (NCMC), a Pakistani governmental agency, comprising the identities of 1600 persons who have reportedly been disappeared since the so-called US-led "war on terror" started. Pakistan's former military ruler, General Pervez Musharraf, has claimed that over 600 persons were illegally arrested, kept in incommunicado detention and handed over to foreign forces as part of counter-insurgency operations.

In one example out of many, student leader Zakir Majeed from Balochistan province, was arrested on June 8, 2009, by state intelligence agency officers. He has been missing ever since. The NCMC announced that he had been released and had returned home on January 22, 2010, but this has proven to be false. It is feared that he might have been killed and that the government set this story up in order to claim that he died after his release. This has been witnessed in other cases.

Violence against religious minorities: The ALRC has also documented numerous attacks on members of religious minorities in Pakistan, including assaults, cases of tortured and killings, as well as the ransacking or desecration of their property and places of worship.

¹ <http://www.ahrchk.net/statements/mainfile.php/2009statements/1855/>

Blasphemy laws are being used and abused by the police, the government and religious fundamentalists to intimidate Christians, Ahmadis and all religious minorities in Pakistan.

Violence against religious minorities in Pakistan is common as the current legislation institutionalises inequality between Islam and non-Islamic religions. Christians and Ahmadis – members of a Muslim sect – are particularly targeted but Sikhs, Hindus or Buddhists are also discriminated against. The Pakistani Constitution declares Islam to be the state religion and gives the Muslim clergy the power to interpret the laws. Moreover, the country's Blasphemy laws, introduced in 1885 by the British to prohibit the instigation of religious hatred, were amended in the 1980s by General Zia ul Haq, in deference to demands made by radical Islamists. The Penal Code now specifically outlaws desecration of the Qur'an and defilement of the name of the Prophet. Charges of blasphemy are therefore punishable with the death penalty and someone who desecrates the Qur'an risks a life sentence. These charges are regularly used against innocent people whose only crime is to be Christian or Ahmadi and to justify violence against religious minorities.

Ahmidis are also victims of false accusations and violence because of their religion. Pakistani legislation is especially discriminatory against Ahmadis, who have been declared a non-Muslim minority by the 1974 second amendment to Pakistan's constitution. The Penal Code also explicitly discriminates against the Ahmadi sect, notably in Section 298-C. On April 11, 2009, a conference was held in Lahore. An effigy of the founder of the Ahmadi community was burnt there and participants were taught that it is a Muslim duty to kill Ahmadis.

It appears that this religious violence often hides a more pragmatic goal. Charges of blasphemy are indeed sometimes used for personal or political reasons. They have been used to settle scores unrelated to religious activity, such as intra-family or property disputes and more broadly to intimidate, threaten or punish people who belong to minority communities. In many cases, religious violence has occurred in villages or cities where land had grown in commercial value. Mosque leaders have allegedly exploited the religious sentiments of Muslim people to chase Christians or Ahmadis away in order to grab the land they occupied.

On July 24, 2009, an unverified rumour spread in Korian, Gojra town, Toba Tek Singh district in the province of Punjab, that three Christians had torn a paper on which were written Quranic verses. Neighbouring mosques called for the death penalty to be carried out against the three men. On July 30, an angry mob marched towards the Christian community demanding that they hand over the men. Most of the residents fled their homes and the mob plundered the village and burned several houses. The next day, a general call to the defenders of faith was made to punish the blasphemers, and on August 1, a mob of 3000 people, headed by armed and trained men, attacked the community again. Seventy houses were set on fire and seven Christians, including four women and two children, were burnt alive. Hameed Masih, one of the men accused of desecrating the Qur'an, was shot. Two churches were also ransacked and desecrated. Other attacks of this type have been recorded in the country, but the authorities have done little to investigate these cases. The ALRC fears that further attacks will continue to take place unless the government does more to prevent them. Prevention requires the investigation of attacks that have taken place and the holding to account of those found to be responsible.

The ALRC is gravely concerned by the lack of attention being paid to the grave situation of human rights in Pakistan by the Human Rights Council, including but not limited to the grave human rights violations outlined above. As the Council's failure to act concerning human rights situations on the ground continues to become more glaring, it is hoped that action will be taken to counter this dangerous trend. Despite the political protection that Pakistani enjoys stemming from its leadership of the OIC political grouping, the ALRC urges the Council to give the reality of the dangerous human rights situation in the country

the attention that it deserves. A failure to act now concerning human rights in Pakistan will likely be seen in future as a major failing by the Human Rights Council and as an example of selectivity and double-standards and an opportunity missed.
