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Human rights situations that require the Council's attention

Written statement* submitted by the Asian Legal Resource Centre, 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.

[22 August 2013]

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

Pakistanis facing beheading in Saudi Arabia need immediate UN intervention

1. In view of the discussion on human rights, which is due to be held during the month of September 2013, the Asian Legal Resource Centre (ALRC) would like to direct the attention of the Human Rights Council (HRC) to denial of justice and fair trial being faced by several young Pakistanis detained in Saudi Arabia.

2. Some of young men presently await being beheaded.

3. The death sentence is by itself an unacceptable verdict. It is in clear violation of the right to life, one of the fundamental, internationally recognized, human rights. No person, being tried for any sort of crime, should face such extreme punishment. It is one that we, as human rights defenders, consider a relic from a less developed stage of human history.

4. In addition, beheading, in particular, is an exceptionally cruel form of administering the death penalty. It shows total disrespect for human dignity, inflicting upon the sentenced an unnecessary painful end to life.

5. The ALRC has documented cases of young Pakistani men, beset by financial difficulties in most cases, forced by local criminal organisations to act as ‘mules’ in trafficking drugs from Pakistan into Saudi Arabia. Many of these ‘couriers’ reported having been approached by locals known to them, who outlined for them a job opportunity abroad, offering help for getting a working visa in Saudi Arabia. However, once they arrive in Islamabad, having been asked to pick up their visas, the unfortunate young men are abducted and driven to isolated locations. They are held captive and forced, via a variety of threats and blackmail, to become drug-mules. In some cases, it is the direct threat of murder, in others, family members of the unfortunate carriers are kidnapped and held hostage until the ‘job’ is completed.

6. This is how Pakistani drug mules presently in Saudi Arabian prisons – with more on the way – have ended up ingesting a large amount of capsules.

7. For more details about specific cases documented, kindly refer to the Urgent Appeal Case¹ issued on 5 July 2013 and the Statement² issued on July 13, 2013 by the Asian Human Rights Commission (AHRC), sister organisation to the ALRC.

8. Bewilderment arises regarding the poor monitoring and control of the airport authorities in Islamabad, and as to how the staff of the Pakistani Anti Narcotics Agency, despite their numbers and the quality detective equipment at their disposal, can fail so conspicuously at preventing such travelers, often in semi-conscious states, from boarding. There are well-founded reasons to believe that Pakistani drug peddlers and their fellow agents can rely on good ‘connections’ to easily board the unfortunate mules. They enjoy protection from corrupt officials in strategic positions at various levels of government. It is also known that some of the drug lords themselves regularly fly to Saudi Arabia in the shadow of *Umra* and *Hajj* – two of the Islamic obligations – to supervise their drug business, in the complete knowledge of the authorities in both countries.

9. The real criminals involved, of both nationalities, are well known and well-protected both in Pakistan and Saudi Arabia. In Pakistan, they operate openly in the two provinces of Punjab and Khyber Pakhtunkhwa. In Saudi Arabia, they have connections in Dammam city in particular. The Dammam airport is the preferred and by now renowned entry point for

¹ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-095-2013>

² <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-130-2013>

the racket. At the moment, several Pakistani ‘mules’ are incarcerated both in the Alqateef Awamia Dammam Jail and the Dammam Central Jail, sentenced to death by beheading. Every month at least one person is beheaded on the charges of *Fasad Fil Arz* (creating disorder on the earth of Allah). Many other Pakistani ‘mules’ are kept in Jedda and Riaz jails.

10. Presently, it is estimated that about 300 Pakistanis are incarcerated on charges of drug trafficking in several prisons across Saudi Arabia. Most of them have been sentenced to long terms of imprisonment, ranging from 10 to 20 years, and have received no fair trial in the Saudi monarchy. They have been denied adequate legal help, which has affected the quality of legal remedy they obtained.

11. The real drug racketeers are never caught and put on trial. On the other hand, a large number of carriers have been arrested and punished with harsh sentences including beheading. A significant discrepancy, therefore, can be observed between the impunity enjoyed in both countries by the masterminds of the illicit business and corrupt officials and the inclemency faced in Saudi Arabia by the forcibly-recruited couriers.

12. Could the mismatch between the severity of the penalty (especially when capital punishment is awarded) and the crime supposedly committed by the couriers be related to the intent of physically erasing clues through which it may be possible to establish links between drug racketeers and Saudi authorities?

13. It is understood that the drug racketeers (of both nationalities), their entourages, the identities of the couriers working for them and even the details of the flights they catch in order to enter Saudi Arabia, are very well known to the Saudi authorities. And the Saudi authorities, in turn, do not seem particularly disturbed by the moral offence trafficking of drugs represents, in light of the strict interpretation of religious precepts applied in their country.

14. Furthermore, the majority of the Pakistanis convicted are men who have tried to detach themselves from such deceitful business and reported the trafficking to the airport authorities soon after landing in the hope of cooperating with the justice system, behaving honestly, and saving their own lives and those of their loved ones. Instead, it is these very men who have been instantly arrested and unfairly tried. The real drug traffickers have never been held accountable for being fully responsible for the illicit activities. There have been times when couriers have even pointed out the so-called ‘receivers’ waiting right outside the Dammam airport. But, they only met with the indifference and passivity of the Saudi police. The Islamic Courts, where the couriers have been tried, and which have been informed repeatedly about the identity of the drug peddlers living and operating in Saudi Arabia, have also taken no action.

15. The ALRC brings the reality behind this alarming predicament to the attention of the Human Rights Council in order to highlight the significant lack of protection the Government of Pakistan continues to provide its own people and the negligence and unresponsiveness shown in this serious matter. The Pakistan Embassy and its consulates in Saudi Arabia have refused to help their own citizens, while the national authorities also ignore them and have undertaken no action against the drug racketeers, despite the full-disclosure of their identity and location.

16. The failure of the Government of Pakistan to ensure its people legal protection abroad and to guarantee their right to life is a clear failure of the Pakistani state itself, one that cannot fulfill basic state obligations to protect its citizens, in this case victim of an unfair trial in Saudi Arabia.

17. The Pakistani airport authorities share responsibility for continually providing safe exit to young Pakistani men forced to carry drugs. The Anti Narcotics Department, and other

governmental agencies of Pakistan (police included), which are supposed to monitor and investigate illicit networks, seem instead only too happy to allow the racketeers to operate undisturbed. In return, they receive some 'benefits', allegedly bribes, thanks to which the drug racketeers literally buy favour and abstinence from action. The absence of a proper investigative and prosecution mechanism is putting the safety and livelihoods of innocent people at stake, people who are, in fact, uninvolved in the illicit activities in question, trapped in it only because of their poor background, and the threat to their own lives and the lives of their family members.

18. The ALRC would like to take this opportunity to emphasize that such contingencies should be seriously taken into account as mitigating circumstances in a more appropriate verdict for the poor couriers.

19. The ALRC urges the Government of Pakistan to show its commitment and take specific measures that have a concrete impact on the exposed problems concerning corruption of state agents, trafficking of drugs, and the imprisonment of its own people abroad, problems for which the Government of Pakistan is totally liable and fully responsible. The ALRC considers it unacceptable that, both in Pakistan and in Saudi Arabia, the competent authorities continue to fail to undertake any significant action, allowing the forcibly-recruited carriers to serve severe terms of imprisonment for crimes they have not orchestrated.

20. To our understanding, it is the arrests and imprisonments of the real racketeers, the masterminds, and the corrupt authorities, will show society that drug trafficking is monitored and punished by the state.

21. The ALRC calls on the Government of Pakistan, in particular its Ministry of Narcotics Control, not only to enhance its fight against drugs, but also to strengthen cross-border investigations along with domestic inspections in the name of transparency and legal order. The ALRC would like to highlight the fact that the securing of accountability is a matter of state responsibility, aimed at guaranteeing effective rule of law, protecting human rights, and ending impunity.

22. The ALRC finds it imperative that the above exposed matters are seriously taken into account and therefore urges the Human Rights Council to include in its discussions the issues of corruption and drug trafficking as well as the issues of the legal protection of forced couriers and their right to life. We strongly advocate release of the innocent carriers from their unjust imprisonment in a foreign land and the prompt withdrawal of the death sentences awarded to them.
