

Human Rights Council urged to act concerning pattern of extra-judicial killings and violations of freedom of expression in Pakistan

Tuesday 12 June 2012, by [ALRC](#) (Date first published: 12 June 2012).

FOR IMMEDIATE RELEASE

June 12, 2012

ALRC-CWS-20-07-2012

HUMAN RIGHTS COUNCIL

Twentieth session, Agenda Item 3, Interactive Dialogue with the Special Rapporteur on freedom of expression and Special Rapporteur on extra-judicial killings

A written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organisation with general consultative status

PAKISTAN: Human Rights Council urged to act concerning pattern of extra-judicial killings and violations of freedom of expression in Pakistan

The Asian Legal Resource Centre (ALRC) urges the members of the Human Rights Council (HRC) and the body's Special Procedures to intervene with the government of Pakistan (GoP) concerning the grave and widespread human rights violations taking place in the country. The HRC in particular has remained largely silent on abuses taking place there. While Pakistan will soon undergo its second Universal Periodic Review, the scope and severe nature of violations taking place in Pakistan require a more concerted approach by all relevant UN human rights mechanisms, and HRC members in particular.

The ALRC will focus here specifically on the pattern of extra-judicial killings that it continues to document, as well as undue restrictions to the freedom of expression, notably in relation to work in favour of human rights.

Extra-judicial killings: The ALRC continues to document hundreds of cases of extra-judicial killings in Pakistan, which are generally accompanied by impunity, due to a lack of investigations and prosecutions. These violations and the lack of effective action to punish them, or provide redress to victims and their families, speak to serious lacuna in the institutions of the rule of law. Without reforms to ensure that the country's investigation and justice delivery systems can function effectively, notably where the perpetrators of abuses are thought to be state agents or members of powerful groups, the prospect for the effective protection and enjoyment of human rights, including the right to life, remains extremely dim.

These killings are part of a wider pattern of arbitrary arrests or abductions, forced disappearances and torture, following which victims are surfaced dead, often by having their mutilated bodies dumped by the roadside. For example, in Balochistan Province alone, between July 2010 and

October 2011, the ALRC documented 215 extra-judicial killings following abductions by paramilitary forces or forced disappearance by Pakistan's law enforcement and security agencies. Pakistan's Supreme Court has received some 300 cases of extra-judicial killings of persons following forced disappearance over the last year. Journalists, teachers, political activists, students and human rights defenders have been targeted in particular.

The pretext of "encounter killings" is typically used by the authorities to falsely justify extra-judicial killings as being legitimate. In the case of extra-judicial killing of 25 year old Sarfaraz Shah on June 8, 2011, by members of the Sindh Rangers paramilitary force, a spokesperson for the Sindh Rangers made a press statement claiming that the victim had been killed during an armed encounter with the Rangers. However, bystanders had filmed the incident, which showed that the victim was unarmed, non-violent and was pleading for his life while refusing accusations of theft. The video was aired by the Pakistani media, leading to public protests, which resulted in a rare development, with those responsible having been arrested and punished by the anti-terrorist court. Their appeal is still pending, however, and the cameraman has been forced into hiding.

Killings of human rights defenders: Human rights defenders (HRDs) remain subject to: threats and reprisals against them and their families; legal and physical attacks; arbitrary arrests and detention; forced disappearance; torture and extra-judicial killing, by state and non-state actors. The government has failed to establish an effective national policy of protection for HRDs or to combat impunity by effectively investigating and prosecuting those responsible for attacks against them, including those resulting in extra-judicial killings, despite the government having agreed to specific recommendations concerning these issues in the UPR's first cycle in 2008.

Persons who work in favour of human rights but contrary to the interests of radical Islamist groups face extreme risks, as can be seen by the killings in 2011 of the Governor of Punjab, Salman Taseer, and the Federal Minister of Minority Affairs, Shabaz Bhatti, who were targeted in relation to their efforts to protect minorities, and their opposition to Pakistan's draconian blasphemy laws.

The killings in Balochistan in 2011 of two HRDs who were documenting cases of forced disappearances, notably as part of the Supreme Court's efforts to compile a list of cases, are illustrative of the risks to defenders who work on the gravest rights abuses. Mr. Naeem Sabir Baloch, the district coordinator of the Human Rights Commission of Pakistan (HRCP), who was working on forced disappearances in Balochistan province, was gunned down by unknown persons wearing masks and riding a motorbike on March 1, 2011. Mr. Siddique Eido of the Human Rights Commission of Pakistan was reportedly abducted on December 21, 2010, by members of the Frontier Corps (FC) and intelligence agencies wearing plain clothes, while in police custody. On April 28, 2011, his body was found, bearing torture and bullet wounds. He had been receiving threats from the law enforcement agencies for him to halt his work on disappearances and other human rights issues, and had requested protection from the local authorities.

One particularly grave case of reprisals against a human rights defender illustrates how impunity continues unabated in Pakistan. Prominent activist Mr. Baseer Naveed, the then-Chairman of the Citizen Action Committee, was working with success to counter the forced displacement of some 300,000 persons as part of the planned construction of the Lyari Expressway in Karachi, which directly involved the military and their financial interests. As a reprisal for his work in favour of human rights, on November 8, 2004, Mr Naveed's 21-year-old son Faraz Ahmed Naveed, was abducted, tortured to death and his mutilated body was dumped two days later at the doorstep of the radio station where Mr. Naveed worked. The medico-legal officer at the hospital refused to perform a post-mortem examination. The police refused to investigate the case, withheld evidence and claimed it was a suicide. Despite repeated requests for action, and despite a change from a military to civilian-led government, to date, no action has been taken in this case, showing the

persisting nexus between the police and military in covering up even the gravest abuses.

Freedom of expression and killings of journalists: Pakistan remains one of the most dangerous countries in the world for journalists, with both state and non-state actors targeting them with threats and attacks. The ALRC documented the killing of 16 journalists and injuring of 46 others in the first eleven months of 2011. Of these, five were allegedly abducted and killed by the state intelligence agencies. Senior journalist Mr. Saleem Shahzad, the Pakistan Bureau Chief of the Asia Times Online, was abducted on May 29, 2011, and was subsequently killed. He had exposed an Al-Qaida network operating within the Pakistan Navy and had allegedly received death threats from the intelligence agencies, members of which are believed to have then carried out his killing.

The ALRC is particularly concerned by the fact that despite the Supreme Court instituting a commission of inquiry into this killing in June 2011, which ran for six months and interviewed 41 witnesses, those responsible have not been identified and held to account. In a report presented to the government on January 10, 2012, the commission concluded that the police had failed to question Pakistan's military intelligence officials in its criminal investigation, despite strong indications of the military Inter-Service Intelligence agency's involvement in the killing. Disappointingly, given that Mr. Saleem Shahzad had stated that the ISI should be the prime suspect should he be killed, the commission concluded that the Pakistani state, militant groups including the Taliban and al-Qaeda, and unnamed 'foreign actors' could all have had a motive to kill Shahzad on the basis of his writings. In addition, the commission concluded that the press should be made more law-abiding and accountable, therefore using this case of killing to justify further restrictions on the freedom of the press.

In another case, Mr. Aurangzeb Tunio, a correspondent of the Daily Sham and Sindhi-language television news channel Kawaish Television Network (KTN) News, was killed on May 10, 2012, by a gang of criminals in Lalu Raunk town, Kamber District, Sindh, just metres from a police post, while performing his duties for KTN TV.

20 gunmen reportedly shot Aurangzeb Tunio, along with his brother Rustam Tunio, and family friend Deedar Khaskheli, in Aurangzeb's office. The attackers were reportedly angry about a story Aurangzeb had aired about a failed marriage attempt between a man from the Tunio tribal group and a woman from the rival Mughairi clan, according to local sources, who claim the gunmen were members of the Mughairi tribe. Despite the high-profile nature of the victim, the authorities have not taken any credible or effective action to investigate the killing or bring those responsible to justice.

Beyond killing of journalists, freedom of expression and of the press remains unduly restricted in Pakistan. During its first UPR review in 2008, the government accepted a recommendation to review laws and measures to ensure that restrictions imposed on freedom of expression are in conformity with the ICCPR. The Musharraf government seriously curtailed media freedom during emergency rule, notably through abusive use of the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance. Despite the Supreme Court since ruling that all Musharraf-era amendments are now null and void, the National Assembly has retained two amendments in the pending 2010 Pakistan Electronic Media Regulatory Authority (PEMRA) amendment Bill, in particular one banning broadcasting institutions from publicising views or actions that are "detrimental to ideology of Pakistan, sovereignty, national security and integrity." Any content perceived as being derogatory to state institutions is banned. The government has gone further and added a clause to the Bill banning the broadcasting of any programme or discussion aimed at influencing or giving opinions about sub-judice matters. Those responsible for or assisting the violation of the ordinance can be fined up to Rs10 million (approximately US\$110,000), with cable operators broadcasting such content facing three years imprisonment, a fine, or both.

Additionally, in Punjab Province, a ban has been imposed on all government officials from interacting with the media under the new Protection and Communication of Official Information Rule, which is being seen as unconstitutional, as well as a serious threat to media freedom and the right to access to information.

Given the many extra-judicial killings being perpetrated in Pakistan with impunity, and violations of the freedom of expression, including the killing of journalists, as well as the grave situation of human rights in the country more generally, the Asian Legal Resource Centre urges the Human Rights Council to take all necessary measures, not limited to the Universal Periodic Review alone, to press the Government of Pakistan to take effective action to address widespread abuses, including by:

- a. Guaranteeing the right to life, in line with the provisions of the ICCPR and domestic law, including by taking all necessary measures to ensure that all allegations of extra-judicial killings are promptly and effectively investigated and prosecuted, with particular attention given to cases of extra-judicial killings following forced disappearances;
- b. Carrying out all necessary reforms to the state's institutions of the rule of law - notably the police, prosecution and judiciary - in order to ensure that effective investigations and prosecutions of alleged perpetrators of extra-judicial killings and other abuses become possible;
- c. Tackling impunity more effectively. It is vital for the military including its intelligence agencies, notably the ISI, to be brought under effective civilian control and the purview of the law, in order to ensure that it respects all court orders and efforts to identify and prosecute any of its members thought to be responsible for human rights violations;
- d. Publicly guaranteeing the security of all journalists, and ensuring full and effective investigations and prosecutions into all cases of threats, attacks and killings of media workers, regardless of whether the alleged perpetrators are state agents or members of other powerful groups;
- e. Removing all provisions in the 2010 PEMRA Bill that run contrary to Pakistan's obligations under the ICCPR and/or threaten freedom of expression;
- f. Repealing all bans at the federal or provincial levels that threaten media freedom and access to information, such as Punjab's Protection and Communication of Official Information Rule.

P.S.

About the ALRC: The Asian Legal Resource Centre is an independent regional non-governmental organisation holding general consultative status with the Economic and Social Council of the United Nations. It is the sister organisation of the Asian Human Rights Commission. The Hong Kong-based group seeks to strengthen and encourage positive action on legal and human rights issues at the local and national levels throughout Asia.