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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.

[28 August 2009]

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

PAKISTAN: Police threaten indiscriminate revenge killings in Balochistan

The Asian Legal Resource Centre (ALRC) wishes to bring to the attention of the Human Rights Council the situation of human rights in Balochistan, Pakistan's south-western province, which is deteriorating day by day due to the heavy-handed policies being adopted by the government towards nationalist groups. In response to the recent increase in violence committed by nationalist militants, a high-ranking police official threatened in a press conference on August 21 to begin killing people indiscriminately in the province in retaliation.

Mr. Ghulam Shabbir Shiekh, the deputy inspector of police, Nasserabad range, announced on Friday that the police will kill 40 local persons in revenge for the militants' alleged abduction and murder of 20 policemen in July and August. No targets, however, were specified. Mr. Shiekh also threatened that if any bullet was fired at the police, the police would fire 100 bullets indiscriminately back at the locality from where the bullet was fired. If any rocket was fired at police stations, the police would fire 10 rockets back.

The announcement by Mr. Shiekh was the most recent attempt by Pakistani state agencies to instil fear among Baloch nationalists. Earlier, in January, 2009, journalists received threats from the Director of the Inter-Services Public Relations (ISPR) for writing editorials demanding investigations into allegations that the army is running torture cells and detaining female prisoners. The Director, who also holds the rank of Major General, threatened to withhold official advertisements and payments from the newspapers if they continued their "malicious" campaign against the army. Some television channels disclosed the threats publicly, but the Federal Minister for Information denied that the ISPR Director has made any such announcement.¹

These developments reflect the serious situation of human rights in Balochistan, which continues to degrade despite the government's promise to revive law and order. After the removal of General Musharraf, the newly elected government of Asif Zardari announced in 2008 that military operations in Balochistan would be halted. Prime Minister Syed Yousuf Raza Gilani and government parties apologized before the parliament for military excesses committed during the operations there.

In reality, however, no serious effort has yet been undertaken to resolve the rampant problem of illegal arrests and extra-judicial killings that plague Balochistan. Rather than adopting democratic institutions, Prime Minister Gilani has accused nationalist groups of being run by Indian agents. Cases of disappearances have continued to take place in the same way as they did during the military regime of Musharraf. Personnel of the Frontier Constabulary (FC) have arrested victims during the daytime and taken them into jeeps without registration plates. Victims are reportedly being transferred to military-run torture cells and kept in incommunicado until confessional statements have been forcefully extracted.

As of August 2009, an estimated 60 persons had been forcibly disappeared in Balochistan in 2009. This represents an increase from the estimated 39 cases of forced disappearance that

¹ For further information concerning this, please refer to the Asian Human Rights Commission's statement (the AHRC is the ALRC's sister-organisation):

<http://www.ahrchk.net/statements/mainfile.php/2009statements/1861/>)

were reported having been committed in the last nine months of 2008. A total of 99 cases of disappearances have taken place since the newly elected government came to power last March. The members of FC are being afforded impunity for these acts, as the police are claiming having no knowledge about the arrests and subsequent disappearances. Furthermore, under the state of emergency declared by General Musharraf on November 3, 2007, a Constitution (Amendment) Order, dated 20 November 2007, was issued.² Under this amendment's section 6, the addition of Article 270AAA to the Constitution ensures that no acts performed by any State authorities or members thereof can at present be challenged in any court in Pakistan, including the Anti-Terrorism Court or the High Court. This amendment continues to grant total *de facto* impunity to all State-actors in Pakistan. In order to undo this amendment to the Constitution, the Parliament (the Senate and the National Assembly), is required to vote to do so with a two-thirds majority. Since the removal of Musharraf, however, the Parliament has thus far failed to undo this amendment, and the legacy of the emergency continues to be the key obstacle that is preventing the fight against impunity and for justice concerning violations of human rights in the country to date.

Disappearances of students and murder of witnesses

Among the number of disappeared cited above, as many as 18 students and young activists allegedly affiliated with the Baloch nationalist movement are thought to have been arrested and then disappeared in between June and mid-July, 2009, in the run up to a meeting was held between the Prime Ministers of India and Pakistan at Sharm-el-Sheikh. The meeting in Egypt resulted in a joint statement being issued on July 16, 2009, in which India accepted its involvement in subversive activities with the nationalist movement in Balochistan. Students and young people alleged to be sympathetic to the movement have been disappeared by law enforcement agencies such as the FC. They have reportedly been detained and tortured in order to extract statements that implicate India in Balochistan's insurgency.

Among the dozens of disappeared was a student activist named Mr. Zakir Majeed, the senior vice chairperson of the Baloch Student Organization-Azad (BSO). He was abducted by intelligence agents on June 8, 2009, while he was at the marketplace in Mastung, near Quetta with two other BSO members. Plain-clothed men identified themselves as intelligence agents working for the Pakistan Army, before taking Majeed away without informing him of any charges against him.

Another student, Miss Karima Baloch, 23, was sentenced to three years in prison and fined Rs 150,000 (US\$ 1,875) by the Anti Terrorist Court (ATC) in Turbat, Balochistan, on June 2, 2009, after she and several other women had demonstrated in August 2006 against disappearances. She was charged with defiling the flag and with sedition.³

In an effort to address the problem of disappearances, the Zardari government set up a committee to search for disappeared persons in June 2008. The provincial government of Balochistan included in the committee as witnesses Mr. Sher Mohammad Baloch, Mr. Ghulam Mohammad Baloch and Mr. Lala Munir Jan Baloch, three former victims of disappearances who

² The full text of this Constitutional amendment can be found here: <http://www.pakistanconstitution-law.com/Constitution%20Amendment%20Order.asp>

³ For further information please see AHRC urgent appeal: <http://www.ahrchk.net/ua/mainfile.php/2009/3175/>

were held and tortured in military cells for several months in 2006 and 2007. However, as the committee progressed in its investigations, the three witnesses were forcefully abducted from their lawyer's office on April 3, 2009. Their mutilated corpses were found five days later, after having been dumped by a helicopter, according to eyewitnesses. The murder of witnesses directly impedes the judicial process and constitutes gross obstruction of justice.⁴

An eye for an eye – Pakistan Army targeting civilians

The civilian population of Balochistan also suffers greatly at the hands of the military. On February 3, 2009, soldiers attached to the Pakistan Army Frontier Constabulary attacked a wedding party, killing 13 people including the bride and the groom, six members of their families and the wedding officiator (*nikah khawn*). 21 people were injured, the majority of them women. The attack was allegedly carried out in retaliation for an incident that took place on the previous day, in which unknown assailants killed three FC soldiers.⁵

In another incident, on May 31, 2009, police officers from the Panjgore district chased a car of armed men into the village of Mohalla Gharibabad, UC Chitkan, Panjgore, and a shoot-out ensued. A wedding was taking place nearby, and at the first sign of shooting, the wedding guests took shelter in neighbouring houses. Eyewitnesses reported that the police continued to shoot even after the group of armed men had fled. Mr. Noor Ahmad Baloch, 32, a cousin of the groom, urged the leading officer, Assistant Sub-Inspector (ASI) Mohammad Ismail, to stop firing noting that there were children around. ASI Ismail responded by shooting him in the head from 25 meters away. Mr. Baloch was then taken to hospital in Panjgore city where he was pronounced dead. ASI Ismail has since defended himself by claiming it is his prerogative to decide who he does and does not choose to shoot. Despite protests, no case against him has yet been lodged by the police.⁶

Intelligence officers arrested for attempt to kill a teacher

Military and police collusion in instigating unrest can be seen in the following case. Since the beginning of 2009 there have been reports of killings targeting non-Balochi-speaking teachers. As of August 2009, around five teachers including one principal of a college had been murdered. Baloch nationalist groups have been blamed by the Pakistani government for the killings.

However, on August 22, two officers from the Intelligence Bureau (IB) were captured by the locals during an attempt to kill Mr. Haji Saleh Mohammad, a teacher from Mastung district near Quetta. Employment cards retrieved from the attackers indicated they were IB officers. The Mastung police was reluctant to file reports against the officers, but they did arrest following protests by the local people. The FC and the Pakistani Army tried to abduct the officers from the police station in order to rescue them, but the local people have successfully aborted their attempts.

⁴ For further information please see AHRC urgent appeal: <http://www.ahrchk.net/ua/mainfile.php/2009/3145/>

⁵ For further information please see AHRC statement:
<http://www.ahrchk.net/statements/mainfile.php/2009statements/1865/>

⁶ For further information please see AHRC urgent appeal: <http://www.ahrchk.net/ua/mainfile.php/2009/3167/>

The Asian Legal Resource Centre has repeatedly provided information through written submissions and oral interventions to the Human Rights Council concerning numerous and repeated allegations of torture, forced disappearances and extra-judicial killings committed by the Pakistan Army and other authorities. The lack of the rule of law and ongoing violations in Pakistan contribute to seriously destabilise the region and the wider world. It is imperative that the Council begin to address the situation in the country based on the severity of the human rights violations taking place there.

Pakistan, for its part, is urged to take steps to halt the range of grave abuses being committed by the members of its military, to ensure that systems are in place to guarantee that independent investigations are carried out into all allegations of rights abuses and for those responsible to be tried punished in accordance with international standards. It is important that all officers and members of the authorities that make public statements inciting killings and other revenge attacks be immediately sanctioned, in order to send a clear signal that Pakistan is tackling the many serious violations that are taking place in the country and the blatant impunity that accompanies these at present. The government should also immediately issue a standing invitation to all Special Procedures and ensure that visits by the mandates on torture, extra-judicial killings, forced disappearances and human rights defenders are given priority.

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