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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Human Rights Congress for Bangladesh Minorities (HRCBM), a non-governmental organization in special consultative status

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

[2 February 2023]

* Issued as received, in the language of submission only.



Prevention Of Electronic Crimes Act, 2016 as Pakistan's Weapon Of Mass Intimidation

In 2016 when the Pakistani government introduced the Prevention of Electronic Crimes Act, 2016 (PECA) in parliament, it was projected as a shield against harassment and hate speech. However now the intent and implementation of PECA is crystal clear, having proven to be an effective weapon in the hands of the state, to harass, intimidate and silence critics. (1)

Most recently, the example of politician Azam Swati is a stark reminder of the Pakistani's state's constant attack on and persecution of critics of the Army and the ISI.

Swati was arrested in November 2022 in a case registered against him over a controversial tweet thought to be against the armed forces in his remarks at a press conference. Swati clearly alleged he was stripped and tortured by the Pakistani

military and had in fact named two military officials behind his ordeal. Former Prime Minister Imran Khan had also called out Swati's "custodial torture" at a press conference. (2)

Ironically, using this archaic and draconian law innumerable criminal cases were registered by Pakistani shadow-state actors against Swati with the only intent of silencing him. (3)

The primary print publication of Pakistani, Dawn in fact reports that "the treatment meted out to Swati, while condemnable, is not unheard of". Some of the other high-

profile examples of the Pakistani establishment using PECA to silence critics draws attention a clear game-plan being utilised by the Pakistani military establishment.

□ In 2018, former Senator Faisal Raza Abidi was arrested for "anti-judiciary" remarks. An FIR under sections 10, 11 and 20 of PECA and sections 109 and 509 of the PPC was registered against Abidi, as well as Hans Masroor, the

owner of a web channel Naya Pakistan, where the remarks were made, as well as the producer of the web channel, Ahsan Saleem. This FIR followed a previous one for the same act, under the Anti-Terrorism Act and various

sections of the Pakistan Penal Code (PPC).

□ In July 2018, human rights activist Hayat Preghal was taken into custody, charged under sections 9 and 10 of PECA, along with sections 500 and 109

of the PPC for allegedly posting content "critical of Pakistani state policies" on social media. Preghal's family remained unaware of his whereabouts for six days after which they were informed that he had been arrested by the FIA.

Following his arrest, Amnesty International called for Preghal's immediate release, as "a prisoner of conscience" who had been "detained solely for the peaceful exercise of his right to freedom of expression." (4)

□ On September 11, 2020, journalist Bilal Farooqi was picked up from his house. Taken from his home, Farooqi was handcuffed, his pictures were taken, a cloth was thrown over his face and he was then put into a police mobile. Farooqi was accused of "defaming" the military and had been charged

under PECA in addition to the PPC. (5)

□ In 2021 PECA was used against 8+ elected legislators. This move was condemned as illogical as it prosecuted persons for receiving what were alleged to be 'contemptuous material'. Usama Khilji, Executive Director of 'Bolo Bhi' digital rights organization, termed the this establishment action as an abuse of the draconian Peca cybercrime law. Khili tweeted "So now the FIA will file cases against people for receiving videos that are deemed contemptuous to the courts. Where are we headed? How does this make any

sense, except in a police state bent upon a witch-hunt of any opposition to its polices? The abuse of draconian PECA must end." (6)

Over the past, governments may have changed in Pakistan, however the persecution of journalists, critics, dissidents under PECA at the hands of the shadow-establishment, has been one constant feature.

We must realise that while political parties in Pakistan will always be engaged in a “Game of Thrones”, repressing when in power and playing victim when out of it, the civic society is left to suffer the consequences of speaking truth about the Pakistani military establishment.

We call upon the Council to immediately intervene to protect the freedom of speech and expression from the state sponsored mass intimidation of critics and dissidents.

This Council should immediately call upon Pakistan to stop using state machinery to persecute the various stakeholders in the civic society.

1 <https://www.dawn.com/news/1725805>

2 <https://www.dawn.com/news/1718186>

3 <https://www.dawn.com/news/1725708>

4 <https://www.dawn.com/news/1725979>

5 <https://www.dawn.com/news/1726162>

6 <https://voicepk.net/2021/08/journalists-demand-fia-withdraw-cases-against-journalists-in-lahore-demo/>