



General Assembly

Distr.: General
13 June 2022

English only

Human Rights Council

Fiftieth session

13 June–8 July 2022

Agenda item 3

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

Written statement* submitted by Centre for Gender Justice and Women Empowerment, 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.

[23 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Need for Transitional Justice efforts in Balochistan.

Balochistan is one of the largest Province in Pakistan major ethnic groups being the Balochs and the Pashtuns. The history of the region is marked by ongoing conflict and its native population has suffered greatly over the years.

The Natural Resources resource rich province is today notorious for its high rate of poverty, the illiteracy, unemployment and infant and maternal mortality. Moreover, it has seen ill conceived and discrimination, discriminatory policies and poor governance has resulted in extreme under development of the region. These social and economic setbacks have in turn, contributed to years of insurgency and counter intelligence operations in the region. The Pakistani army has often counter insurgency operations

in the region. The Pakistan army has often been accused of committing heinous crimes ranging from mass killings, disappearances, rape, and forced marriages against women and children and illegal occupation of landholders.

Owing to the rich natural resources in the region, land holdings have in the past been forcibly handed over to the corporate entities often registered in China, owing to the alliance of the two nations in relation to the Belt and Road Initiative, dissenting voices against these large scale relations to the Belt and Road Initiative. dissenting voices against these large scale exploitations are often disappeared in the name of national security labelled as terrorist insurgents. The increase of corporate entities in the region, however, has not ensured employment.

opportunities for the region fueling the disquiet in the native population, often leading to the birth of insurgent groups, targeting businesses.

Counter insurgency measures by the state administration on the other hand, have been characterised by widespread enforced disappearances, extra-judicial killings and employment of methods to torture, apart from harvesting, for the purpose of trading in the black market are also coming to the fore. These amount to crimes against humanity where access to justice remains a distant dream for the victims and their families according to the UN Working Group on enforced and involuntary disappearances 1144 cases of allegations of enforced disappearances from Pakistan were received between 1980 and 2001 90. With 731 still missing. These numbers barely scratched the surface, most cases of unreported.

There is an urgent need for the international community to spring into action and call for an end to heinous crimes and offences committed against the native population of Baluchistan my organization calls upon this concert to serve Pakistan to take effective measures to ensure immediate steps for reconciliation and a return for the victims of the state led crimes in Balochistan region. Transitional justice efforts akin to those employed in various other cities of long standing conflict or the need of the hour in Balochistan and Pakistan are to be called upon to take urgent steps to institute a machinery for the same.

Containing concerns about enforced disappearances in Balochistan

The issue of enforced disappearances in the western province of Pakistan has often been highlighted before this concern by various international and local human rights bodies. This issue continues to be a long standing concern for a large population caught up in perpetual historical conflict.

On the other hand, the state's opacity despite considerable international attention to the issue is disconcerting. The Human Rights Commission of Pakistan has been constantly taking note of the enforced disappearances in the province. And has recently noticed and the enforced disappearances an escalation in the number of such incidents. Many college students have been at the receiving end of this practice. The recent case of the abduction of a feast village in broad daylight is one of such instance the case of a feast highlights 1000s of other instances of missing persons from Pakistan without any allegation of criminal conduct investigation of the trial, people are being forcibly disappeared and no information is available about their variables. The modus operandi appears to be similar as noted by scholar Tanja florathd,..." members of security forces, either military or police into a house in the early morning, take

one or several members of the family with them. The perpetrators might or might not wear uniform they usually carry weapons and either threaten the family members or explain that the detained person will return to them soon. At a subsequent stage ... the family members will start to inquire about the variables of their loved ones and constantly received the answer that nobody fitting the description has been seen or taken. They will eventually hear from informal sources that their relatives have been seen in a secret place of detention At the same time, the detained person will likely be in interrogated, tortured, often transferred and in likelihood subsequently murdered. During that time, the forcibly disappeared person have no access to outside world and no legal assistance. 1

Article 2 of the International Convention for the Protection of all persons from enforced disappearances defines enforced disappearances as “the arrest detention, abduction or any other form of deprivation of liberty by agents of the state or by persons or groups of persons with a support authorization of the state followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or variables of the disappeared person which place such a person outside the protection of the law”.

Even though Pakistan is yet to ratify this convention, the Supreme Court of Pakistan the highest court of the state held that it could read the Convert convention and its provisions into application in the territory of Pakistan it further went on to hold that

the enforced disappearances are violative of article 10 of the country constitution. Despite the apex court weighing is on the issue Pakistan continues to maintain us studied silence regarding effective measures to combat the problem.

Pakistan has neither science nor ratified the Convention convention even as it accepted the recommendations to made in to make enforced disappearances a criminal offence as its 2017 Universal Periodic Review The government has also not be accepted recommendations to bring the perpetrators of such abductions to justice. 2

My organisation is concerned regarding the plight of the disappeared in Balochistan and their families. This council is urged to consider the issue expediently and seek the following from Pakistan.

- A) All members to be taken to immediately end the practice of enforced disappearances.
- B) Immediately disclose of the fate or whereabouts of the victims of enforced disappearances to their families.
- C) Immediately released the victims of enforced disappearances.
- D) In the event of victim continues to be in detention after disclosing their whereabouts, full access to justice be provided to the individual and/or their families.

Baloch Voice Association, Voice for Baloch Missing Persons, Baloch Peoples Congress, Baloch Voice Foundation (Pakistan), NGO(s) without consultative status, also share the views expressed in this statement.

1 Tanja Florath, "Effective Remedies for Enforced Disappearances - The suitability of Habeas Corpus", Conference Presentation, Annual Doctoral Seminar, Irish Centre for Human Rights, 2013
2 Pakistan: The Disappeared of Balochistan; Amnesty International, 12 November 2020,